

Exhibit 78:
**Narcissa Morris Deposition Transcript
and Deposition Exhibit 7**



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Transcript of the Testimony of
Morris, Narcisa

Date: January 25, 2023
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Case: JOHN DOES A, et al. v. GRETCHEN WHITMER, et al.

Printed On: February 10, 2023

Morris, Narcisa

1/25/2023

<p style="text-align: center;">UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION</p> <p>JOHN DOES A, B, C, D, E, F, G, H, MARY DOE and MARY ROE, on behalf of themselves and all others similarly situated, Plaintiffs,</p> <p style="text-align: center;">vs. Case No. 2:22-cv-10209 Hon. Mark A. Goldsmith Mag. Curtis Ivy, Jr.</p> <p>GRETCHEN WHITMER, Governor of the State of Michigan, and COL. JOSEPH GASPER, Director of the Michigan State Police, in their official capacities, Defendants.</p> <hr/> <p>The Deposition of NARCISA MORRIS, Taken via videoconference, Dimondale, Michigan, Commencing at 9:03 a.m.,</p> <p style="text-align: center;">Page 1</p>	<p>1 The Deposition of NARCISA MORRIS, 2 Taken via videoconference, 3 Dimondale, Michigan, 4 Commencing at 9:03 a.m., 5 Wednesday, January 25, 2023, 6 Before Heather DeMar, RPR, CSR-8951. 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 2</p>
<p>1 APPEARANCES 2 3 MIRIAM AUKERMAN 4 American Civil Liberties Union of Michigan 5 1514 Wealthy Street SE, Suite 260 6 Grand Rapids, Michigan 49506 7 616.301.0930 8 Appearing on behalf of the Plaintiffs. 9 10 11 12 13 14 PAUL REINGOLD 15 University of Michigan Law School 16 801 Monroe Street 17 Ann Arbor, Michigan 48109 18 734.355.0319 19 Appearing on behalf of the Plaintiffs. 20 21 22 23 24 25</p> <p style="text-align: center;">Page 3</p>	<p>1 ERIC JAMISON 2 Michigan Department of Attorney General 3 525 West Ottawa Street 4 Lansing, Michigan 48933 5 517.335.7573 6 Appearing on behalf of the Defendants. 7 8 9 10 11 12 ALSO PRESENT: 13 AIMEE BRIMACOMBE - MICHIGAN STATE POLICE REPRESENTATIVE 14 DAYJA TILLMAN - WITH PLAINTIFFS 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">Page 4</p>

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1	Dimondale, Michigan	1	like understand, you know, what the different fields	
2	Wednesday, January 25, 2023	2	mean and things like that. So hopefully we can	
3	9:03 a.m.	3	resolve that informally.	
4		4	If not, we may have to reopen the	
5	NARCISA MORRIS,	5	deposition or do another deposition about that. So	
6	was thereupon called as a witness herein via	6	hopefully we don't need that. But I do want to put	
7	videoconference, where all parties stipulate to the	7	that on the record. Also, some discovery documents	
8	witness having first been duly sworn in remotely to	8	that we haven't gotten, a privilege log and some	
9	testify to the truth, the whole truth and nothing but	9	things like that we requested from your attorneys and	
10	the truth, was examined and testified as follows:	10	they haven't been produced yet.	
11	MS. AUKERMAN: Good morning, how are you?	11	And so, hopefully once we get those we	
12	THE WITNESS: I'm good. I'm going to turn	12	won't have further questions. If we do, again, we	
13	it up a little bit. You guys are really quiet.	13	might have to reopen this. I want to put that on the	
14	MS. AUKERMAN: Sure.	14	record so you know that.	
15	THE WITNESS: Okay. Sorry about that.	15	MR. JAMISON: And we'll object to reopening	
16	MS. AUKERMAN: No problem. So before we	16	the deposition or -- I mean, if you didn't feel like	
17	get started, I want to put a couple of things on the	17	you were prepared to proceed with the deposition	
18	record. We received the class data yesterday. Thank	18	today, it should have been rescheduled.	
19	you for sending that over. We haven't been able to	19	MS. AUKERMAN: We asked for those things by	
20	download it yet to a secure location.	20	the close of business yesterday and they weren't	
21	And so, we may have questions about the	21	produced.	
22	data, about what different fields mean or things like	22	So moving forward with you, you said your	
23	that. I hope we can resolve that informally.	23	name for the record. I'm going to talk a little bit	
24	Probably the easiest thing is to have our expert talk	24	about what depositions are. Have you ever been in a	
25	with you directly, if that's okay with you, just to	25	deposition before?	
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<p>1 THE WITNESS: No.</p> <p>2 MS. AUKERMAN: Okay. So depositions are</p> <p>3 really -- they're a conversation between the two of</p> <p>4 us. We're not in person. We're doing this on Zoom.</p> <p>5 But we've all had a lot of experience with Zoom over</p> <p>6 the last couple of years. So this is really a chance</p> <p>7 for you to share what you know about SORA, about the</p> <p>8 database.</p> <p>9 When we were in court the other day,</p> <p>10 Mr. Jamison said about you that you were the person</p> <p>11 who knows everything about SORA and about the</p> <p>12 database, right. And so, it's a high compliment, I</p> <p>13 think that's absolutely true from the interactions</p> <p>14 we've had so far.</p> <p>15 And this is really a chance for you to tell</p> <p>16 us what you know. And hopefully, that'll make a lot</p> <p>17 of the other discovery not necessary. I'm excited to</p> <p>18 talk to you today because I feel like you have a lot</p> <p>19 of information I'm excited to learn about.</p> <p>20 And at the same time, I think the downside</p> <p>21 of the fact that you know so much and you are so</p> <p>22 incredibly knowledgeable is we're going to be here for</p> <p>23 a while. I want to put that out here. It's going to</p> <p>24 be a long day for me, for the court reporter, for</p> <p>25 everybody who's sitting in.</p> <p style="text-align: center;">Page 9</p>	<p>1 And it's, you know, if you need a break,</p> <p>2 anything like that, you know, please let me know.</p> <p>3 Because, you know, we'll take breaks, we'll stop for</p> <p>4 lunch. But you know a lot and there's a lot of</p> <p>5 information that I hope that we can share and talk</p> <p>6 about today.</p> <p>7 So -- okay. Just a couple rules since you</p> <p>8 haven't been deposed before. Have you testified in</p> <p>9 court before?</p> <p>10 THE WITNESS: No, I have not.</p> <p>11 MS. AUKERMAN: Okay. So just a couple of</p> <p>12 things. So if I ask a question and you answer it, if</p> <p>13 you answer it, I'll assume that you understood the</p> <p>14 question. If you don't understand the question, just</p> <p>15 tell me and I'll rephrase it. Sometimes, especially</p> <p>16 as we get tired or maybe make assumptions about what</p> <p>17 you know or what you think or what an acronym means,</p> <p>18 if there's something that you don't understand, just</p> <p>19 ask me to rephrase the question and I'll try to make</p> <p>20 it clearer.</p> <p>21 I don't always ask the clearest questions.</p> <p>22 And so, you know, just tell me if you don't understand</p> <p>23 something. If you answer the question, I'll assume</p> <p>24 you understood what I meant. You have to answer</p> <p>25 verbally. You can't nod or, you know, the court</p> <p style="text-align: center;">Page 10</p>
<p>1 reporter can't take that down. She needs and we all</p> <p>2 need and the transcript needs you to answer the</p> <p>3 question orally.</p> <p>4 The court reporter can't take down two</p> <p>5 people talking at once and especially over Zoom,</p> <p>6 that's really, really difficult. So we can't talk</p> <p>7 over each other. I know I sometimes interrupt and</p> <p>8 I'll try not to do that.</p> <p>9 And if I do correct me, but, you know, we</p> <p>10 should not talk over each other. And the court</p> <p>11 reporter will hopefully tell us and ask us to repeat</p> <p>12 ourselves so she can get an accurate and clear</p> <p>13 transcript.</p> <p>14 Again, we can take a break if we need to,</p> <p>15 if you get tired, just to stop for whatever reason. I</p> <p>16 just ask that you answer whatever the question was</p> <p>17 pending at that time.</p> <p>18 So you said where you were and it appears</p> <p>19 that you are not in the same room with Mr. Jamison,</p> <p>20 correct? You're in a separate place?</p> <p>21 THE WITNESS: Correct.</p> <p>22 MS. AUKERMAN: Okay. Is there anybody with</p> <p>23 you?</p> <p>24 THE WITNESS: No.</p> <p>25 MS. AUKERMAN: And you agree and understand</p> <p style="text-align: center;">Page 11</p>	<p>1 that you can't -- during the deposition you can't</p> <p>2 communicate with Mr. Jamison, do you understand that?</p> <p>3 Or with any of the other attorneys, correct?</p> <p>4 THE WITNESS: Uh-huh. Understood.</p> <p>5 MS. AUKERMAN: Okay. And you can't, you</p> <p>6 know, you can't text with the attorneys or other</p> <p>7 people, right?</p> <p>8 THE WITNESS: Understood.</p> <p>9 MS. AUKERMAN: Okay. Or, you know, private</p> <p>10 Zoom or, you know, email, anything like that, do you</p> <p>11 understand that, correct?</p> <p>12 MR. JAMISON: I'm going to object to those</p> <p>13 questions.</p> <p>14 MS. AUKERMAN: Okay. Mr. Jamison, do you</p> <p>15 agree that you won't be communicating during the</p> <p>16 questioning.</p> <p>17 MR. JAMISON: No.</p> <p>18 MS. AUKERMAN: You don't agree?</p> <p>19 MR. JAMISON: No.</p> <p>20 MS. AUKERMAN: You intend to communicate</p> <p>21 with Ms. Morris during the questioning?</p> <p>22 MR. JAMISON: I don't know.</p> <p>23 MS. AUKERMAN: Okay. All right. Well, I</p> <p>24 would ask you to let us know if you're communicating.</p> <p>25 You're not allowed to instruct the witness during the</p> <p style="text-align: center;">Page 12</p>

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<p>1 deposition.</p> <p>2 MR. JAMISON: I'll agree that I won't</p> <p>3 instruct her how to answer the question. Whether or</p> <p>4 not her and I have conversations, that doesn't have</p> <p>5 any -- that's permissible under the rules. There's no</p> <p>6 prohibition about an -- prohibiting an attorney from</p> <p>7 talking with a client during a deposition.</p> <p>8 MS. AUKERMAN: You agree not to instruct</p> <p>9 the witness how to answer questions?</p> <p>10 MR. JAMISON: Correct.</p> <p>11 EXAMINATION</p> <p>12 BY MS. AUKERMAN:</p> <p>13 Q. Okay. Ms. Morris, do you want me to call you</p> <p>14 Ms. Morris or Narcisa? What's -- what would you</p> <p>15 prefer?</p> <p>16 A. I have no preference.</p> <p>17 Q. Okay. Did you -- are you aware there's a protective</p> <p>18 order in this case?</p> <p>19 A. I don't know that term.</p> <p>20 Q. Okay. It's an order that restricts what information</p> <p>21 can be talked about or shared or used.</p> <p>22 A. Oh yes.</p> <p>23 Q. Okay. Did you sign that protective order?</p> <p>24 A. I signed a document, but I don't know that it said</p> <p>25 protective order.</p> <p style="text-align: center;">Page 13</p>	<p>1 Q. Do you know what you signed?</p> <p>2 A. Yes.</p> <p>3 Q. What was it?</p> <p>4 A. A document disclosing or talking about the case and</p> <p>5 saying that what I needed to provide and how I needed</p> <p>6 to participate.</p> <p>7 Q. Did it say anything about the individual plaintiffs in</p> <p>8 this case?</p> <p>9 A. Does and Roes.</p> <p>10 Q. Yeah. The -- the individual people who are the named</p> <p>11 plaintiffs, did it say anything about them?</p> <p>12 A. It said Does and Roes.</p> <p>13 Q. Did you -- did it say anything about whether or not --</p> <p>14 let me ask you this.</p> <p>15 Do you know the names of the individual</p> <p>16 plaintiffs in this case?</p> <p>17 A. Not by memory.</p> <p>18 Q. But you have been provided those names?</p> <p>19 A. Correct.</p> <p>20 Q. Okay.</p> <p>21 MR. JAMISON: I'm going to object to the</p> <p>22 question as vague.</p> <p>23 BY MS. AUKERMAN:</p> <p>24 Q. Have you been provided the names of the plaintiffs --</p> <p>25 the named plaintiffs in this case?</p> <p style="text-align: center;">Page 14</p>
<p>1 MR. JAMISON: Same objection. Question was</p> <p>2 vague.</p> <p>3 BY MS. AUKERMAN:</p> <p>4 Q. Have you been provided -- do you know who Doe number A</p> <p>5 -- Doe A is?</p> <p>6 A. No.</p> <p>7 Q. You have not been given the name of Doe A?</p> <p>8 A. I know who -- I know where to get it. I don't know it</p> <p>9 by memory.</p> <p>10 Q. So you have been made aware -- even if you don't</p> <p>11 remember right now -- you've been made aware of the</p> <p>12 names of the individual plaintiffs?</p> <p>13 MR. JAMISON: Same objection, the question</p> <p>14 is vague.</p> <p>15 BY MS. AUKERMAN:</p> <p>16 Q. You can answer.</p> <p>17 MR. JAMISON: If you understand the</p> <p>18 question, you can answer.</p> <p>19 A. I know them -- I don't know them by memory, no.</p> <p>20 BY MS. AUKERMAN:</p> <p>21 Q. I mean, I wouldn't expect you to know them by memory.</p> <p>22 Have you been asked to retrieve information about</p> <p>23 those individuals?</p> <p>24 MR. JAMISON: Objection, form of the</p> <p>25 question.</p> <p style="text-align: center;">Page 15</p>	<p>1 BY MS. AUKERMAN:</p> <p>2 Q. Have you -- has your attorneys -- have the attorneys</p> <p>3 for the defendants asked you to retrieve information</p> <p>4 about those specific plaintiffs?</p> <p>5 A. No.</p> <p>6 Q. Okay. Tell me how you prepared for this deposition.</p> <p>7 A. I'm unclear.</p> <p>8 Q. You were told that a deposition was coming up. What</p> <p>9 steps did you take to prepare yourself to talk to me</p> <p>10 today?</p> <p>11 A. I was advised to get all the documents, be prepared to</p> <p>12 discuss the documents that have been provided.</p> <p>13 Q. When you say all the documents, what documents are</p> <p>14 those?</p> <p>15 A. What I have provided.</p> <p>16 Q. When you say what you have provided, what do you mean</p> <p>17 by that?</p> <p>18 A. I'm unclear.</p> <p>19 Q. Okay. Sure. So there are -- are you talking about</p> <p>20 the responses to the discovery requests?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. So were you the person who provided all of</p> <p>23 those? Or did some of those get provided by somebody</p> <p>24 else?</p> <p>25 MR. JAMISON: Objection, lack of</p> <p style="text-align: center;">Page 16</p>

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<p>1 foundation.</p> <p>2 A. Sorry?</p> <p>3 BY MS. AUKERMAN:</p> <p>4 Q. Okay. So you were involved in preparing for the</p> <p>5 discovery -- the -- were you involved in preparing</p> <p>6 discovery responses?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. And was anyone else involved in preparing the</p> <p>9 discovery responses?</p> <p>10 MR. JAMISON: Objection, lack of</p> <p>11 foundation. If you know the answer, you can answer.</p> <p>12 A. Yes.</p> <p>13 BY MS. AUKERMAN:</p> <p>14 Q. Who else was involved in preparing the discovery</p> <p>15 responses?</p> <p>16 A. I'm sorry, I'm really unclear about that question.</p> <p>17 Q. Sure. So we've asked for a bunch of documents and</p> <p>18 information about the registry, correct?</p> <p>19 A. Correct.</p> <p>20 Q. And you've been involved, as I understand it, in</p> <p>21 getting the materials that the attorneys have provided</p> <p>22 to us, correct?</p> <p>23 A. Correct.</p> <p>24 Q. Okay. So I'm asking who was involved other than you</p> <p>25 in getting those materials together, if anyone?</p> <p style="text-align: center;">Page 17</p>	<p>1 A. My team.</p> <p>2 Q. Okay. So who on your team?</p> <p>3 A. Sharon Jegla, Karris Mayer.</p> <p>4 Q. Anyone else?</p> <p>5 A. Not that I can recall right now.</p> <p>6 Q. Okay. Did you consult with the SOR enforcement unit?</p> <p>7 A. I did not, that I recall.</p> <p>8 Q. Okay. So going back to how you prepared for today,</p> <p>9 you said, I believe, that you reviewed the documents</p> <p>10 that you provided, correct?</p> <p>11 A. I'm sorry?</p> <p>12 Q. So let's go back. What documents did you review to</p> <p>13 prepare for today?</p> <p>14 A. I didn't review documents for today.</p> <p>15 Q. What did you do to prepare for today?</p> <p>16 A. I was asked to be prepared to review or discuss the</p> <p>17 documents that I had provided you. So I did not</p> <p>18 review.</p> <p>19 Q. So you didn't look at any documents in preparation for</p> <p>20 today?</p> <p>21 A. No. I just had them available.</p> <p>22 Q. Okay. Okay. And did you have conversations with</p> <p>23 anyone?</p> <p>24 A. During what time?</p> <p>25 Q. To prepare for today.</p> <p style="text-align: center;">Page 18</p>
<p>1 A. Not today, no.</p> <p>2 Q. Well, not today, did you in the -- in the weeks</p> <p>3 leading up -- weeks or months leading up to this</p> <p>4 deposition, not about SORA -- I should rephrase that</p> <p>5 to be clear.</p> <p>6 So to prepare for today, did you have</p> <p>7 conversations about this deposition with anyone?</p> <p>8 A. Yes.</p> <p>9 Q. And who was that who --</p> <p>10 A. Eric Jamison.</p> <p>11 Q. Anyone else?</p> <p>12 A. Aimee Brimacombe.</p> <p>13 Q. How do you spell the last name?</p> <p>14 A. It's in the web link.</p> <p>15 MR. JAMISON: It's up on the screen.</p> <p>16 MS. AUKERMAN: Yeah, I can't see it. We'll</p> <p>17 get it.</p> <p>18 BY MS. AUKERMAN:</p> <p>19 Q. Okay. Anyone else?</p> <p>20 A. Not that I recall.</p> <p>21 Q. So tell me a little bit about your background and who</p> <p>22 you -- how you got to where you're at today. Tell me</p> <p>23 about your educational background.</p> <p>24 A. High school.</p> <p>25 Q. Okay. When did you graduate high school?</p> <p style="text-align: center;">Page 19</p>	<p>1 A. '95.</p> <p>2 Q. And after that?</p> <p>3 A. None.</p> <p>4 Q. No further education after that?</p> <p>5 A. Not that resulted in a degree or anything.</p> <p>6 Q. Okay. What high school did you graduate from?</p> <p>7 A. Eastern -- actually, I apologize, it was Waverly -- it</p> <p>8 was technically Waverly.</p> <p>9 Q. Okay. That's here in Michigan?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. And then did you take any other like classes</p> <p>12 post high school, anything like that?</p> <p>13 A. I did.</p> <p>14 Q. What kind of classes?</p> <p>15 A. CNA.</p> <p>16 Q. Anything else?</p> <p>17 A. The basic writing, math.</p> <p>18 Q. Okay. And then tell me about your work history.</p> <p>19 Where did you start after high school?</p> <p>20 A. As a waitress.</p> <p>21 Q. As a waitress. Okay. And how long did you do that?</p> <p>22 A. Ten years approximately.</p> <p>23 Q. Okay. And then what did you do?</p> <p>24 A. Worked for the Marine Corps Depot.</p> <p>25 Q. How long were you there?</p> <p style="text-align: center;">Page 20</p>

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<p>1 A. I believe it was two years.</p> <p>2 Q. Okay. And after that?</p> <p>3 A. I worked for Michigan State Police.</p> <p>4 Q. Okay. So when did you start working at the Michigan</p> <p>5 State Police?</p> <p>6 A. Approximately 2001.</p> <p>7 Q. So you've been there about eleven years?</p> <p>8 A. Twenty, isn't it.</p> <p>9 Q. You're right, my math is terrible. So you've been</p> <p>10 there about twenty years, a little over twenty years?</p> <p>11 A. Correct.</p> <p>12 Q. Okay. So where did you start at the MSP?</p> <p>13 A. Firearms temp.</p> <p>14 Q. Okay. And how long were you there?</p> <p>15 A. I'm sorry?</p> <p>16 Q. How long were you in that position?</p> <p>17 A. I don't recall.</p> <p>18 Q. Okay. What did you do next?</p> <p>19 A. Firearm technician.</p> <p>20 Q. And then what position?</p> <p>21 A. Then it -- firearm analyst.</p> <p>22 Q. Okay.</p> <p>23 A. Firearm destruction.</p> <p>24 Q. And after that what position?</p> <p>25 A. And then security and access as --</p> <p style="text-align: center;">Page 21</p>	<p>1 Q. Okay. And after that?</p> <p>2 A. Sex Offender Registry.</p> <p>3 Q. When did you start at the Sex Offender Registry?</p> <p>4 A. I believe it was '18.</p> <p>5 Q. So 2018? In 2018?</p> <p>6 A. I don't recall exactly.</p> <p>7 Q. Okay. What was your first position in the -- was that</p> <p>8 in a SOR unit?</p> <p>9 A. That is correct.</p> <p>10 Q. What was your first position there?</p> <p>11 A. A SOR coordinator.</p> <p>12 Q. What are the responsibilities of a SOR coordinator?</p> <p>13 A. System management, enhancement programming; not</p> <p>14 creating programming, coordinating programming.</p> <p>15 Q. Can you explain to me what that means.</p> <p>16 A. Coordinating the programming, enhancements of the</p> <p>17 system.</p> <p>18 Q. When you say program, do you mean programs for</p> <p>19 training? Do you mean the actual database? I need</p> <p>20 you to explain it to me a little bit more. I don't</p> <p>21 understand what you're saying.</p> <p>22 A. The database, coordinating with different moving parts</p> <p>23 for the database to put in enhancements or</p> <p>24 improvements. If there are system outages, it was my</p> <p>25 responsibility to report them.</p> <p style="text-align: center;">Page 22</p>
<p>1 Q. Did you do data entry in that job?</p> <p>2 A. That was not my responsibility.</p> <p>3 Q. How long were you the SOR coordinator?</p> <p>4 A. Approximately maybe four years.</p> <p>5 Q. And what position did you move to after that?</p> <p>6 A. Management.</p> <p>7 Q. Okay. What management position?</p> <p>8 A. The SOR management position.</p> <p>9 Q. So is that your current position?</p> <p>10 A. No.</p> <p>11 Q. Okay. So what is -- so you said four years. So what</p> <p>12 year did you move to the SOR management position?</p> <p>13 A. '21.</p> <p>14 Q. Okay. What does the SOR management position involve?</p> <p>15 A. The -- the technicians and the analysts and the</p> <p>16 coordinator of the unit for the maintenance of the</p> <p>17 system.</p> <p>18 Q. How long were you in that position?</p> <p>19 A. Approximately a year.</p> <p>20 Q. Okay. And then -- what position did you move into</p> <p>21 after that?</p> <p>22 A. A criminal history management position, management</p> <p>23 position.</p> <p>24 Q. And what does that position involve?</p> <p>25 A. System support, design, quality control.</p> <p style="text-align: center;">Page 23</p>	<p>1 Q. So what year did you move into that position?</p> <p>2 A. December of 2022.</p> <p>3 Q. Is that your current position?</p> <p>4 A. That is. Sorry, the light shuts off automatically</p> <p>5 without movement.</p> <p>6 Q. So your current position -- can you give me the exact</p> <p>7 job title.</p> <p>8 A. It is system design support and quality control</p> <p>9 manager.</p> <p>10 Q. Okay. And you were in that position starting in</p> <p>11 December of 2022, correct?</p> <p>12 A. Correct.</p> <p>13 Q. Until when?</p> <p>14 A. I'm sorry?</p> <p>15 Q. Until what time?</p> <p>16 A. I'm still the manager currently.</p> <p>17 Q. Okay. So this is a -- let me make sure I'm</p> <p>18 understanding this. That's not in the SOR unit,</p> <p>19 correct?</p> <p>20 A. That is correct.</p> <p>21 Q. What -- where is that located within the MSP</p> <p>22 structure?</p> <p>23 A. It is on -- it is within the Criminal Justice</p> <p>24 Information Center, with MSP.</p> <p>25 Q. So you were the manager of the SOR unit. What was the</p> <p style="text-align: center;">Page 24</p>

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<p>1 -- your title in that position?</p> <p>2 A. Sex Offender Registry manager.</p> <p>3 Q. So can you describe to me -- back to when you were the</p> <p>4 SOR unit manager, can you describe to me in detail</p> <p>5 what your job responsibilities were.</p> <p>6 A. So basically overseeing the technicians, assisting</p> <p>7 them with any questions or concerns they might have,</p> <p>8 carrying out policies and procedures, supporting the</p> <p>9 analysts in whatever questions or concerns they have</p> <p>10 in policies and procedures, monitoring legislation</p> <p>11 changes to ensure that our system was compliant,</p> <p>12 working with the system coordinator, that analyst</p> <p>13 position, or enhancements or improvements.</p> <p>14 Q. Anything else?</p> <p>15 A. Assisting with grants, SMART grant.</p> <p>16 Q. What else?</p> <p>17 A. Any special projects assigned by legal or my command.</p> <p>18 Q. What else?</p> <p>19 A. Providing overall support.</p> <p>20 Q. Anything else?</p> <p>21 A. No.</p> <p>22 Q. Okay.</p> <p>23 A. Not that I recall.</p> <p>24 Q. Okay. So you mentioned legislative changes. Tell me</p> <p>25 about your role in that.</p> <p style="text-align: center;">Page 25</p>	<p>1 A. That would consist of if there was something -- like</p> <p>2 we had a law change in March 24th, 2021. I just make</p> <p>3 sure -- it was my responsibility to make sure that we</p> <p>4 were carrying out any necessary policy and procedure</p> <p>5 changes for processes to align with what was required</p> <p>6 in statute.</p> <p>7 Q. Okay. You mentioned that you started in 2021. Were</p> <p>8 you -- when in 2021 did you start in that position?</p> <p>9 A. I don't recall exactly.</p> <p>10 Q. Okay. Were you the manager when -- in March of 2021?</p> <p>11 A. Yes.</p> <p>12 Q. Did your role involve coordinating with the legal --</p> <p>13 the Michigan State Police legal department?</p> <p>14 A. Yes.</p> <p>15 Q. And the AG's Office, Attorney General's Office?</p> <p>16 A. Yes, if needed.</p> <p>17 Q. How often did that come up?</p> <p>18 MR. JAMISON: Objection, the question is</p> <p>19 vague.</p> <p>20 BY MS. AUKERMAN:</p> <p>21 Q. How often did you -- how often did you typically</p> <p>22 communicate with the legal -- Michigan State Police</p> <p>23 legal department?</p> <p>24 A. I'm sorry, I'm unclear.</p> <p>25 Q. How often -- when you were in the SOR unit -- let's</p> <p style="text-align: center;">Page 26</p>
<p>1 just bracket this to say we're talking about the</p> <p>2 period of time when you were the SOR unit</p> <p>3 coordinator -- manager, I should say. How often would</p> <p>4 you coordinate with the Michigan State Police legal</p> <p>5 department?</p> <p>6 A. Regularly.</p> <p>7 Q. Daily?</p> <p>8 A. A few times a week, I would say.</p> <p>9 Q. And how often would you coordinate with the Attorney</p> <p>10 General's Office?</p> <p>11 A. Only when asked specifically, not often.</p> <p>12 Q. So a couple times a month?</p> <p>13 A. I can't say for sure.</p> <p>14 Q. Okay. What kind of issues would you talk to the</p> <p>15 lawyers about? I'm not asking for privileged</p> <p>16 information, just the types of -- the types of issues</p> <p>17 where you needed to involve the legal department.</p> <p>18 MR. JAMISON: I'm going to object as</p> <p>19 privileged.</p> <p>20 MS. AUKERMAN: Let me restate the question.</p> <p>21 BY MS. AUKERMAN:</p> <p>22 Q. Are there issues where the SOR unit did not have the</p> <p>23 ability to make the decisions itself without</p> <p>24 consulting the legal department?</p> <p>25 A. Can you repeat the question.</p> <p style="text-align: center;">Page 27</p>	<p>1 Q. Are there -- where the SOR unit needed -- needs -- let</p> <p>2 me put this -- retry to say this so that it doesn't</p> <p>3 get at privileged information.</p> <p>4 Are there issues where the SOR unit needs</p> <p>5 input from the -- from lawyers?</p> <p>6 MR. JAMISON: Objection as vague.</p> <p>7 BY MS. AUKERMAN:</p> <p>8 Q. Are -- okay. Let's move on.</p> <p>9 Are you responsible for audits of the</p> <p>10 registry? Or were you responsible for audits of the</p> <p>11 registry?</p> <p>12 MR. JAMISON: Objection as vague.</p> <p>13 BY MS. AUKERMAN:</p> <p>14 Q. Is -- is the registry ever audited in any way?</p> <p>15 MR. JAMISON: Lack of foundation.</p> <p>16 BY MS. AUKERMAN:</p> <p>17 Q. If you know.</p> <p>18 A. I don't know what you mean by audits.</p> <p>19 Q. So you mentioned, I believe earlier, quality control,</p> <p>20 correct?</p> <p>21 A. That's my new position.</p> <p>22 Q. Okay. Was there any quality control work that was</p> <p>23 done within the SOR unit?</p> <p>24 A. Yes.</p> <p>25 Q. And who was responsible for that?</p> <p style="text-align: center;">Page 28</p>

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<p>1 A. The quality assurance analyst.</p> <p>2 Q. Did you oversee that person?</p> <p>3 A. Yes.</p> <p>4 Q. What kind of work did that person do to ensure quality control?</p> <p>5 A. Run reports, find discrepancies, work on updating record information to correct any discrepancies.</p> <p>6 Q. Okay. Were other -- were there other reports other than -- other than the quality assurance reports, were other reports run on the registry?</p> <p>7 MR. JAMISON: Objection as vague.</p> <p>8 BY MS. AUKERMAN:</p> <p>9 Q. Did the -- did you have to -- do you have to run reports for the SMART office, the -- let me back up.</p> <p>10 Are you familiar with the SMART office?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. What do they do?</p> <p>13 A. The office is responsible for coordinating and working with different jurisdictions as it pertains to sex offenders tracking and monitoring.</p> <p>14 Q. Do you have to do reports for them?</p> <p>15 A. Yes.</p> <p>16 Q. What kind of reports?</p> <p>17 A. They have requests for monthly stats over a period of time.</p> <p>Page 29</p>	<p>1 Q. Are you -- were you responsible for training of any kind?</p> <p>2 MR. JAMISON: Objection as vague.</p> <p>3 BY MS. AUKERMAN:</p> <p>4 Q. Were you -- talking about -- I'm going to say this. We're talking about the period when you were the SOR -- managing the SOR unit.</p> <p>5 While you were managing the SOR unit, were you responsible for training of any kind?</p> <p>6 A. Can you clarify that.</p> <p>7 Q. Were you responsible for training people in your unit?</p> <p>8 A. No.</p> <p>9 Q. Were you responsible for training law enforcement?</p> <p>10 A. No.</p> <p>11 Q. Were you responsible for communications with people who used the -- the public registry?</p> <p>12 A. No, not personally, no.</p> <p>13 Q. Did you oversee people who did that?</p> <p>14 A. Yes.</p> <p>15 Q. Were you responsible for communications with law enforcement users of the registry?</p> <p>16 A. I'm sorry, can you ask that question again.</p> <p>17 Q. Were you responsible for communicating with law enforcement users of the registry? So like police officers or doing a verification or something?</p> <p>Page 30</p>
<p>1 A. If needed.</p> <p>2 Q. Okay. Did you work with prosecutors?</p> <p>3 A. I'm sorry, in what capacity? Like what?</p> <p>4 Q. We're talking the entire time -- we're talking about your time at the SOR unit as a manager. Did you work with prosecutors at all?</p> <p>5 A. Not personally.</p> <p>6 Q. Did you oversee people who did?</p> <p>7 A. Yes.</p> <p>8 Q. And what -- what did those individuals do in relation to prosecutors?</p> <p>9 A. Record requests, certified record requests.</p> <p>10 Q. Okay. Let's move on. I'm going to open a document here. Can you see this document?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Can you tell me what this is?</p> <p>13 A. The organizational chart for the Criminal Justice Information Center.</p> <p>14 Q. Okay.</p> <p>15 MS. AUKERMAN: Let's mark this as Exhibit 1.</p> <p>16 MR. JAMISON: Mariam, will you mind reading the Bates numbers in for any of the exhibits so it's easier to track what they are.</p> <p>17 MS. AUKERMAN: So this is Bates 85.</p> <p>Page 31</p>	<p>1 MARKED FOR IDENTIFICATION:</p> <p>2 DEPOSITION EXHIBIT 1</p> <p>3 9:40 a.m.</p> <p>4 BY MS. AUKERMAN:</p> <p>5 Q. So this shows the Sex Offender Registry unit. And it shows that was from November 4th, 2022, is that correct?</p> <p>6 A. That shows that on the paper, yes.</p> <p>7 Q. So what has changed about -- what, if anything, has changed about the Sex Offender Registry unit that's shown here?</p> <p>8 A. I'm not the manager.</p> <p>9 Q. Any other changes?</p> <p>10 A. No.</p> <p>11 Q. Do you know who the current manager is?</p> <p>12 A. There's not one.</p> <p>13 Q. Are there any additional -- are there any other changes to this chart or box, I should say?</p> <p>14 A. Not that I notice.</p> <p>15 Q. What do the numbers like fourteen, twelve, eleven, what do those mean?</p> <p>16 A. I don't know.</p> <p>17 Q. What does a department analyst do?</p> <p>18 A. Review, analyze, provide recommendations.</p> <p>19 Q. Which of the analysts there knows about the most about</p> <p>Page 32</p>

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<p>1 that job?</p> <p>2 A. I'm sorry?</p> <p>3 MR. JAMISON: Objection as vague.</p> <p>4 BY MS. AUKERMAN:</p> <p>5 Q. Of the analysts listed on this chart, which one would</p> <p>6 you say is the most knowledgeable about the registry?</p> <p>7 A. They're all knowledgeable in their areas. They don't</p> <p>8 do the same things.</p> <p>9 Q. So what are the differences between what they do?</p> <p>10 A. The twelve, Karris Mayer, she is the SOR coordinator.</p> <p>11 So she's doing more system program management,</p> <p>12 enhancements, tracking issues, reporting outages.</p> <p>13 Sharon Jegla is responsible for more of our procedures</p> <p>14 and managing or updating as necessary. She's more of</p> <p>15 an individual who assists and supports management for</p> <p>16 working with unique or new registrants with unique</p> <p>17 crime codes or crime codes we haven't seen.</p> <p>18 The other analysts are more for assisting</p> <p>19 law enforcement in tracking and monitoring individuals</p> <p>20 on the registry.</p> <p>21 Q. What do the department techs do?</p> <p>22 A. There's a quality assurance analyst that strictly</p> <p>23 works on quality assurance stuff, finding errors in</p> <p>24 reports and correcting them.</p> <p>25 Q. What do the department techs do?</p> <p style="text-align: center;">Page 33</p>	<p>1 A. The department techs are responsible for the incoming</p> <p>2 and outgoing of registrants on the system and packing</p> <p>3 the record.</p> <p>4 Q. So is the department tech person the person who'd be</p> <p>5 entering individual registrant data, that kind of</p> <p>6 thing?</p> <p>7 A. Can you clarify that.</p> <p>8 Q. Is the -- the department tech is working more with</p> <p>9 individual records for individual registrants?</p> <p>10 A. I'm still unclear.</p> <p>11 Q. Can you maybe just explain to me what the department</p> <p>12 techs' responsibilities are.</p> <p>13 A. For monitoring incoming and outgoing registrants and</p> <p>14 packing the record.</p> <p>15 Q. Packing the record?</p> <p>16 A. Correct.</p> <p>17 Q. What does that mean?</p> <p>18 A. If they're incoming registrants, new registrants, we</p> <p>19 don't create or -- we don't create records. We just</p> <p>20 ensure that everything that was collected by the</p> <p>21 jurisdiction is in the system. If there are</p> <p>22 discrepancies or missing information, they coordinate</p> <p>23 with that jurisdiction to make sure to get the</p> <p>24 information if available.</p> <p>25 Q. Okay.</p> <p style="text-align: center;">Page 34</p>
<p>1 A. If they're outgoing, then they're individual -- we</p> <p>2 have noticed that the individual is outgoing and</p> <p>3 coordinating, we're checking with other states to see</p> <p>4 if the individual did what they said they were going</p> <p>5 to do. And they respond to daily inquiries or record</p> <p>6 requests, certified record requests, they prep them.</p> <p>7 Q. Record requests, what do you mean by that?</p> <p>8 A. Certified record requests, record requests are</p> <p>9 requests from other -- other states regarding</p> <p>10 registration, law enforcement regarding their</p> <p>11 registration --</p> <p>12 Q. Prosecutors?</p> <p>13 A. Prosecutor, uh-huh, regarding registration.</p> <p>14 Q. Let's look at -- I'm going to share a different</p> <p>15 document here. Can you see that?</p> <p>16 A. No.</p> <p>17 Q. Can you see that now?</p> <p>18 A. Yes.</p> <p>19 Q. Can you tell me what this is?</p> <p>20 A. It appears to be an organizational chart.</p> <p>21 MS. AUKERMAN: Let's mark this as Exhibit</p> <p>22 2.</p> <p>23 MARKED FOR IDENTIFICATION:</p> <p>24 DEPOSITION EXHIBIT 2</p> <p>25 9:47 a.m.</p> <p style="text-align: center;">Page 35</p>	<p>1 MS. AUKERMAN: This is Bates 1516.</p> <p>2 BY MS. AUKERMAN:</p> <p>3 Q. This shows -- appears to be an SOR enforcement unit.</p> <p>4 Can you tell me what the work of that unit is.</p> <p>5 A. For SOR enforcement, they are responsible for any</p> <p>6 enforcement of SOR.</p> <p>7 Q. How does their work differ from what the SOR unit</p> <p>8 does?</p> <p>9 A. They're enlisted law enforcement.</p> <p>10 Q. Okay.</p> <p>11 A. They have --</p> <p>12 Q. Go ahead.</p> <p>13 A. -- powers.</p> <p>14 Q. Anything else?</p> <p>15 A. Not that I can think of right now.</p> <p>16 Q. What are their job responsibilities? What do they do</p> <p>17 day-to-day?</p> <p>18 A. I do not know.</p> <p>19 MR. JAMISON: Object, lack of foundation.</p> <p>20 BY MS. AUKERMAN:</p> <p>21 Q. If you don't know, fine. Do you know whether the SOR</p> <p>22 enforcement operations were previously located in the</p> <p>23 SOR unit?</p> <p>24 A. Say that again.</p> <p>25 Q. Do you know whether the SOR enforcement function, the</p> <p style="text-align: center;">Page 36</p>

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<p>1 SOR enforcement responsibilities were previously</p> <p>2 located in the SOR unit, the one that you were</p> <p>3 managing?</p> <p>4 A. I was not here during that, no, not since I've been</p> <p>5 here.</p> <p>6 Q. So I want to ask you about some policy decisions</p> <p>7 around SORA. Who makes those decisions?</p> <p>8 A. Can you clarify.</p> <p>9 Q. So if there are decisions to be made about how a</p> <p>10 statute gets implemented, who makes the decisions</p> <p>11 about how that statute is going to get implemented?</p> <p>12 A. It's above me.</p> <p>13 Q. Okay. And when you say above you, who is that?</p> <p>14 A. I honestly don't know where that starts.</p> <p>15 Q. Are you ever consulted on policy issues related to</p> <p>16 SORA?</p> <p>17 A. We are asked questions that if they pertain to a</p> <p>18 certain policy and procedure we may not know right</p> <p>19 away, that they were pertaining to that.</p> <p>20 Q. So who asks you those questions?</p> <p>21 A. It could be my command, it could be legal, MSP legal,</p> <p>22 excuse me.</p> <p>23 Q. So who in command would ask you questions?</p> <p>24 A. My supervisor, manager.</p> <p>25 Q. Who is that -- was that? I mean, when you were in the</p> <p style="text-align: center;">Page 37</p>	<p>1 SOR unit, who was your manager who would ask you</p> <p>2 questions?</p> <p>3 A. I've had a few.</p> <p>4 Q. Who are they?</p> <p>5 A. So First Lieutenant Renz.</p> <p>6 Q. And then?</p> <p>7 A. And then assistant division director Shawn Sible.</p> <p>8 Q. Who else?</p> <p>9 A. That's it.</p> <p>10 Q. And they would ask you questions about SOR in order to</p> <p>11 make policy decisions?</p> <p>12 MR. JAMISON: Objection, lack of</p> <p>13 foundation.</p> <p>14 BY MS. AUKERMAN:</p> <p>15 Q. Did they ask you questions about SOR?</p> <p>16 A. They would ask me questions about SOR, yes.</p> <p>17 Q. Did they ask you questions in order to make policy</p> <p>18 decisions?</p> <p>19 MR. JAMISON: Objection, lack of</p> <p>20 foundation.</p> <p>21 BY MS. AUKERMAN:</p> <p>22 Q. Were they involved in making policy decisions around</p> <p>23 SOR?</p> <p>24 MR. JAMISON: Objection, lack of</p> <p>25 foundation.</p> <p style="text-align: center;">Page 38</p>
<p>1 BY MS. AUKERMAN:</p> <p>2 Q. For Lieutenant Renz and assistant director Sible,</p> <p>3 Mr. Sible, were they involved in, if you know, policy</p> <p>4 decisions around SOR?</p> <p>5 A. I don't know.</p> <p>6 Q. You mentioned legal would ask you questions about SOR,</p> <p>7 who in legal?</p> <p>8 A. Steve Beatty.</p> <p>9 Q. Okay.</p> <p>10 A. Or John Gemellaro.</p> <p>11 Q. What are the parts of the Michigan State Police are</p> <p>12 involved in SOR related work other than the SOR</p> <p>13 enforcement unit and the SOR unit and the legal</p> <p>14 department?</p> <p>15 MR. JAMISON: Objection as vague.</p> <p>16 BY MS. AUKERMAN:</p> <p>17 Q. So you mentioned that the legal department, the SOR</p> <p>18 unit, and the SOR enforcement unit are all involved in</p> <p>19 some way in dealing with the SOR statute, correct?</p> <p>20 A. I don't recall saying that.</p> <p>21 Q. Okay. The SOR unit is involved with the registry</p> <p>22 statute, correct?</p> <p>23 A. Correct.</p> <p>24 Q. And the SOR enforcement unit is involved in enforcing</p> <p>25 the registry statute, correct?</p> <p style="text-align: center;">Page 39</p>	<p>1 A. From what I understand, correct.</p> <p>2 Q. And there are lawyers in the MSP legal unit that are</p> <p>3 involved in SOR related issues, correct?</p> <p>4 A. From what I understand, correct.</p> <p>5 Q. Okay. To your knowledge, are there other people</p> <p>6 within the Michigan State Police who are involved in</p> <p>7 dealing with the registry?</p> <p>8 A. I don't know.</p> <p>9 Q. Okay. Do Michigan State Police posts have a role in</p> <p>10 dealing with the registry?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. What is that?</p> <p>13 A. They are a jurisdiction for the purpose of registering</p> <p>14 and verifying.</p> <p>15 Q. Are there any other units within the Michigan State</p> <p>16 Police or departments that deal with the registry?</p> <p>17 MR. JAMISON: Objection, lack of</p> <p>18 foundation.</p> <p>19 BY MS. AUKERMAN:</p> <p>20 Q. If you know.</p> <p>21 A. I don't know.</p> <p>22 Q. Okay. If you know, where do policy decisions about</p> <p>23 the registry get made within the Michigan State</p> <p>24 Police?</p> <p>25 A. I don't know.</p> <p style="text-align: center;">Page 40</p>

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<p>1 Q. Okay. What other entities does the SOR unit work with</p> <p>2 outside of the Michigan State Police? So let me give</p> <p>3 you some examples, like maybe local law enforcement,</p> <p>4 other states. So let's just talk about all the</p> <p>5 different entities that you work -- that you work with</p> <p>6 to do your job.</p> <p>7 A. Other state registries.</p> <p>8 Q. Okay. What else?</p> <p>9 A. Local law enforcement, Michigan courts, out-of-state</p> <p>10 courts, MDOC.</p> <p>11 Q. Who in the MDOC?</p> <p>12 A. I'm sorry, I don't know their unit name.</p> <p>13 Q. I saw a reference in some of the documents to an MDOC</p> <p>14 sex offender management unit. Does that sound</p> <p>15 familiar?</p> <p>16 A. It does.</p> <p>17 Q. Is that the MDOC unit that you mostly work with there?</p> <p>18 A. Yes.</p> <p>19 Q. Are there other units?</p> <p>20 A. I don't know.</p> <p>21 Q. What other -- and actually on -- for the MDOC sex</p> <p>22 offender management unit, what do you do in</p> <p>23 coordination with them?</p> <p>24 A. They're primarily the unit that enters records for</p> <p>25 registration. And so, we work with them and their</p> <p style="text-align: center;">Page 41</p>	<p>1 agents to make sure we're getting all the information</p> <p>2 in the system.</p> <p>3 Q. Is that for people who are incarcerated?</p> <p>4 A. Correct.</p> <p>5 Q. What about people who are like on probation? Are they</p> <p>6 also the primary unit who enters registration</p> <p>7 information for them?</p> <p>8 A. MDOC, correct.</p> <p>9 Q. Who's the person you work with there?</p> <p>10 A. It's a group email.</p> <p>11 Q. Is there a specific person that is most knowledgeable</p> <p>12 there?</p> <p>13 A. I'm sure there is. They've had some changeover as</p> <p>14 well.</p> <p>15 Q. Okay. So we talked about other states, local law</p> <p>16 enforcement, Michigan courts, out-of-state courts.</p> <p>17 What about tribal entities like tribal police, tribal</p> <p>18 courts? Do you work with them?</p> <p>19 A. Not so much.</p> <p>20 Q. Okay.</p> <p>21 A. They are their own sovereign nation.</p> <p>22 Q. What about with the federal government? Are there</p> <p>23 federal agencies that you work with?</p> <p>24 A. Yeah. I guess upon occasion.</p> <p>25 Q. Who are those?</p> <p style="text-align: center;">Page 42</p>
<p>1 A. Federal bureau -- shoot, I'm only thinking of acronyms</p> <p>2 right now, I apologize. It's called FBOP, it's their</p> <p>3 federal probation offices and parole offices.</p> <p>4 Q. What's your relationship with them? What do you</p> <p>5 coordinate about?</p> <p>6 A. Individuals that are convicted of federal offenses on</p> <p>7 probation or parole or incarcerated.</p> <p>8 Q. So you work to determine if -- what do you -- what do</p> <p>9 you communicate about with respect to those</p> <p>10 individuals?</p> <p>11 A. Just packing the record if someone is no longer</p> <p>12 incarcerated, if they've moved incarceration. If</p> <p>13 they're on probation or parole, they might tell us</p> <p>14 that, can't find them.</p> <p>15 Q. What about the U.S. Marshals?</p> <p>16 A. Yes.</p> <p>17 Q. What's their involvement?</p> <p>18 A. Primarily absconder work.</p> <p>19 Q. What kind of absconder work?</p> <p>20 A. Monitoring and tracking, tips, notes.</p> <p>21 Q. Is that for interstate absconders?</p> <p>22 A. Correct, in or out.</p> <p>23 Q. If it's an absconder in Michigan, like someone who's</p> <p>24 in Michigan, does that also go to the U.S. Marshals?</p> <p>25 A. No. Only if we know that we -- we have reason to</p> <p style="text-align: center;">Page 43</p>	<p>1 believe they are out of Michigan.</p> <p>2 Q. Are there other federal entities that you work with?</p> <p>3 A. Not that I recall at the moment.</p> <p>4 Q. We talked about the SMART office. But any other like</p> <p>5 entities like the SMART office?</p> <p>6 A. Not like the SMART office. But we do work with</p> <p>7 military courts occasionally, looking for registration</p> <p>8 information to pack the record.</p> <p>9 Q. So is it fair to say that there's lots of different</p> <p>10 entities that are involved in administering the</p> <p>11 statute?</p> <p>12 MR. JAMISON: Objection, vague.</p> <p>13 BY MS. AUKERMAN:</p> <p>14 Q. Is it fair to say that there are lots of different</p> <p>15 entities that are involved with the registry?</p> <p>16 MR. JAMISON: Same objection.</p> <p>17 BY MS. AUKERMAN:</p> <p>18 Q. Do you understand the question?</p> <p>19 A. I do not. I do not understand.</p> <p>20 Q. Okay. You've described -- okay. Let's move on.</p> <p>21 So you've described a variety of different</p> <p>22 entities that are involved with SOR in some way,</p> <p>23 right?</p> <p>24 A. Provide information.</p> <p>25 Q. Okay. So I'm interested now in talking about sort of</p> <p style="text-align: center;">Page 44</p>

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<p>1 who's responsible for what. So who is responsible for 2 answering questions from registrants about what their 3 responsibilities are? 4 MR. JAMISON: Objection, lack of foundation 5 and vague. 6 BY MS. AUKERMAN: 7 Q. So registrants sometimes have questions about what 8 their responsibilities are, right? 9 A. Yes. 10 Q. Okay. So who, if anyone, is responsible among the 11 organizations that you've described for answering 12 their questions about the registry? 13 MR. JAMISON: Objection, lack of 14 foundation. 15 BY MS. AUKERMAN: 16 Q. Is anyone responsible -- let me back up. 17 So does the Michigan State Police have 18 responsibility for answering questions from 19 registrants about what they can and cannot do? 20 MR. JAMISON: Objection, lack of 21 foundation. 22 BY MS. AUKERMAN: 23 Q. Do you understand the question? 24 A. I do not. 25 BY MS. AUKERMAN:</p> <p style="text-align: center;">Page 45</p>	<p>1 Q. So I'm trying to understand if a person -- a 2 registrant, where would -- where would they go to get 3 answers to questions about the registry? 4 MR. JAMISON: Objection, lack of 5 foundation. 6 BY MS. AUKERMAN: 7 Q. If you know. 8 A. I need clarification. 9 Q. Okay. So do registrants sometimes have questions 10 about the registry? 11 MR. JAMISON: Objection, lack of 12 foundation. 13 BY MS. AUKERMAN: 14 Q. If you know. 15 A. They do. 16 Q. And who, if you know, can answer those questions? 17 MR. JAMISON: Objection, it's vague. 18 BY MS. AUKERMAN: 19 Q. If registrants have questions about the registry, who, 20 if you know, can answer those questions? 21 MR. JAMISON: Same objection. 22 BY MS. AUKERMAN: 23 Q. Do you understand the question? 24 A. I need it -- I need clarification. 25 Q. Okay. If registrants call the SOR unit with a</p> <p style="text-align: center;">Page 46</p>
<p>1 question about the registry, what is the SOR unit 2 supposed to do? 3 A. Respond to specific questions about their registration 4 information. 5 Q. Like -- uh-huh. 6 A. We are not attorneys. We don't provide guidance. We 7 can only answer questions if they have about their 8 registration information in the system. 9 Q. So if someone said am I tier I, you would be able to 10 answer that question, right? 11 A. Upon proof they are who they say they are. 12 Q. Okay. But if someone said I got a volunteer job, I'm 13 volunteering at my church once a week, do I have to 14 report that, would you answer that question? 15 A. No. 16 Q. Okay. So if a registrant had that question how would 17 the registrant get that question answered? 18 MR. JAMISON: Objection, lack of 19 foundation. 20 BY MS. AUKERMAN: 21 Q. If you know. So a registrant has a question about 22 whether they have to report their volunteer job and 23 the SOR unit isn't going to give an answer, how does 24 the registrant get an answer to that question? 25 MR. JAMISON: Same objection.</p> <p style="text-align: center;">Page 47</p>	<p>1 BY MS. AUKERMAN: 2 Q. If you know. You can answer. 3 A. I refer them to their own legal. 4 Q. What about if local law enforcement has a question 5 about the registry? To whom would they direct that 6 question, if you know? 7 MR. JAMISON: Same objection. 8 BY MS. AUKERMAN: 9 Q. You can answer. 10 A. Chain of command. 11 Q. Through the chain of command? 12 A. Through their own chain of command. 13 Q. So they would ask -- so -- let me give you an example. 14 If a police officer says hey, this registrant has -- 15 is volunteering once a week at their church, do I have 16 to mark that down. They would take that question up 17 their own chain of command, is that what you're 18 saying? 19 A. Correct. 20 MR. JAMISON: Objection, lack of 21 foundation. And it's a hypothetical. 22 MS. AUKERMAN: I can ask hypotheticals. 23 BY MS. AUKERMAN: 24 Q. So they would take that up the chain of command to get 25 an answer?</p> <p style="text-align: center;">Page 48</p>

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<p>1 MR. JAMISON: Same objection.</p> <p>2 BY MS. AUKERMAN:</p> <p>3 Q. You can answer.</p> <p>4 A. Their own chain of command.</p> <p>5 Q. There's not a centralized place to get an answer to</p> <p>6 that question for law enforcement?</p> <p>7 MR. JAMISON: Objection, lack of</p> <p>8 foundation.</p> <p>9 BY MS. AUKERMAN:</p> <p>10 Q. If you know.</p> <p>11 A. I don't know.</p> <p>12 Q. So the SOR unit would not provide an answer to that</p> <p>13 question?</p> <p>14 A. No.</p> <p>15 Q. Okay. Are you aware of any other central entity that</p> <p>16 would provide an answer to that question?</p> <p>17 A. I don't know.</p> <p>18 Q. Okay. Let's talk about training for the SOR unit</p> <p>19 staff. When you were running the unit, what kind of</p> <p>20 training, if any, did you provide to your staff?</p> <p>21 MR. JAMISON: Objection, asked and</p> <p>22 answered.</p> <p>23 BY MS. AUKERMAN:</p> <p>24 Q. You can answer.</p> <p>25 A. I personally did not provide training.</p> <p style="text-align: center;">Page 49</p>	<p>1 Q. Was there any training provided by anyone?</p> <p>2 A. To?</p> <p>3 Q. To the SOR unit staff that you supervised?</p> <p>4 A. Yes.</p> <p>5 Q. Who provided that?</p> <p>6 A. Their peers.</p> <p>7 Q. What do you mean by that?</p> <p>8 A. The persons doing the job would train their peers.</p> <p>9 Q. So it was like on-the-job learning is what -- kind of</p> <p>10 what you're saying?</p> <p>11 A. Correct.</p> <p>12 Q. Were there any manuals or guides or cheat sheets that</p> <p>13 were provided to staff?</p> <p>14 A. We provide them our policies, our procedures. Those</p> <p>15 are their guides, any section Q and A questions or</p> <p>16 answer documents that we have.</p> <p>17 Q. What Q and A documents do you have?</p> <p>18 A. We have a phone document, someone --</p> <p>19 Q. What --</p> <p>20 A. -- there are some answers, we tell them where to go.</p> <p>21 Q. Has that been provided to us, if you know?</p> <p>22 A. I don't know.</p> <p>23 Q. Okay. So that's -- it's called a phone document?</p> <p>24 A. Yes. It's a phone Q and A.</p> <p>25 Q. Okay. What other Q and A documents do you have?</p> <p style="text-align: center;">Page 50</p>
<p>1 A. We have an outdated one that used to be used for the</p> <p>2 website, the -- the public website, I should say.</p> <p>3 Q. When you say an outdated one, what do you mean?</p> <p>4 A. We aren't currently in use of it in our public</p> <p>5 website.</p> <p>6 Q. It was something that was -- was this something that</p> <p>7 was posted on the website?</p> <p>8 A. It used to be with our old vendor.</p> <p>9 Q. But it's not posted anymore?</p> <p>10 A. Correct.</p> <p>11 Q. Any other types of Q and A documents?</p> <p>12 A. Not that I recall.</p> <p>13 Q. Any -- what kind of orientation materials are provided</p> <p>14 to new staff?</p> <p>15 A. They get their normal packet that talks about</p> <p>16 insurance, how to enter time through Sigma, health</p> <p>17 benefits.</p> <p>18 Q. I mean more related to actually the job</p> <p>19 responsibilities.</p> <p>20 A. They get a list of policies and procedures. There's a</p> <p>21 checklist that we just go through to make sure that</p> <p>22 they've reviewed those policies and procedures and</p> <p>23 that somebody sat with them and then ensured that they</p> <p>24 understand.</p> <p>25 Q. When you say policies and procedures, what do you mean</p> <p style="text-align: center;">Page 51</p>	<p>1 by that?</p> <p>2 A. The policies and procedures, how to carry out the</p> <p>3 specific task.</p> <p>4 Q. So are those what are called the SOPs?</p> <p>5 A. Correct.</p> <p>6 Q. And have we been provided all of the SOPs, to your</p> <p>7 knowledge?</p> <p>8 A. I don't know.</p> <p>9 Q. Is there a list of all the SOPs?</p> <p>10 A. Yes.</p> <p>11 Q. What are the most common areas of confusion for staff</p> <p>12 in the SOR unit?</p> <p>13 A. There might be confusion as new processes are</p> <p>14 implemented.</p> <p>15 Q. Can you give an example of that?</p> <p>16 A. As we transition through Lymon.</p> <p>17 Q. Are there -- well, are there day-to-day questions that</p> <p>18 come up?</p> <p>19 A. At first.</p> <p>20 Q. Like what?</p> <p>21 A. Anything we haven't addressed in the past. I'm sorry,</p> <p>22 I can't think of anything at the moment. But there's</p> <p>23 always something we haven't encountered that they may</p> <p>24 ask a question on.</p> <p>25 Q. All right. I want to talk a little bit about the</p> <p style="text-align: center;">Page 52</p>

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<p>1 purpose of the registry. In your opinion, what do you 2 think the purpose of the registry is? 3 A. I don't have an opinion. 4 Q. Okay. What do you think the legislature intended the 5 registry to accomplish? 6 MR. JAMISON: Objection, lack of 7 foundation. 8 A. I wouldn't know. 9 BY MS. AUKERMAN: 10 Q. Okay. What is -- what is -- what is the registry 11 there for? What is it supposed to do? 12 MR. JAMISON: Objection, that's vague. 13 BY MS. AUKERMAN: 14 Q. You can answer if you understand the question. 15 A. I follow statute. I simply follow statute. 16 Q. I understand that. But you've made a choice 17 professionally to spend a lot of amount of -- quite a 18 number of years working in the registry unit, right? 19 A. A year as manager. 20 Q. Right. And then some years before that, right, as -- 21 it sounds like? 22 A. System -- 23 Q. Yeah. 24 A. -- system coordinator. 25 Q. So you've spent many, many hours of your life working</p> <p style="text-align: center;">Page 53</p>	<p>1 at this registry. So I'm trying to understand what 2 you -- what you think the registry does? What does 3 it -- what does it accomplish? 4 MR. JAMISON: Objection, that's vague. 5 BY MS. AUKERMAN: 6 Q. What is the registry intended to do, in your opinion? 7 A. I don't have an opinion. 8 Q. Okay. Is the registry a way to supervise people with 9 past sex offenses? 10 A. We are required for the monitoring and tracking, make 11 sure information is current and reported as required 12 by statute. 13 Q. What is the purpose of the non-public registry? 14 MR. JAMISON: Objection, lack of 15 foundation. 16 BY MS. AUKERMAN: 17 Q. What is the non-public registry there to do? 18 MR. JAMISON: Same objection. 19 BY MS. AUKERMAN: 20 Q. You can answer. 21 A. Statute requires that it exists. And we're required 22 to make sure it exists according to statute. 23 Q. You don't have a view of this -- what the registry 24 does or doesn't accomplish? 25 A. I don't have a personal view.</p> <p style="text-align: center;">Page 54</p>
<p>1 Q. You're just implementing a law that the legislature 2 passed? 3 A. Correct. 4 Q. Okay. Okay. Now, people who are on the registry, are 5 you aware of -- if people -- for people who are on the 6 registry, are you aware whether their convictions are 7 generally a matter of public record? 8 A. I don't know. 9 Q. Okay. So if someone has a conviction for a sex 10 offense, would that show up on a background check? 11 A. I guess that's dependent on the conviction and the 12 individual. 13 Q. Okay. So what does the registry do that a background 14 check doesn't do? 15 MR. JAMISON: Objection, lack of 16 foundation, that's vague. 17 BY MS. AUKERMAN: 18 Q. If you do a background check on someone and you can 19 pull up their criminal record, correct? 20 MR. JAMISON: Objection, lack of foundation 21 and vague. 22 BY MS. AUKERMAN: 23 Q. Are you familiar with the concept of background 24 checks? 25 A. Somewhat.</p> <p style="text-align: center;">Page 55</p>	<p>1 Q. Okay. And how are they used? 2 MR. JAMISON: Lack of foundation. 3 BY MS. AUKERMAN: 4 Q. If you know. 5 A. I'm sorry, can you expand on that question. 6 Q. What is a background check? 7 MR. JAMISON: Same objection. The question 8 is vague and she lacks foundation to answer the 9 question. 10 I don't like speaking objections, Mariam, 11 but I think it would be helpful, are you talking about 12 in MSP doing a background check, law enforcement, a 13 private company, you know, along those lines. 14 MS. AUKERMAN: Yeah. Okay. That's fair. 15 Thank you. 16 BY MS. AUKERMAN: 17 Q. So if an employer is looking to hire somebody, might 18 they do a background check? 19 MR. JAMISON: Objection, lack of 20 foundation. 21 BY MS. AUKERMAN: 22 Q. If you know? 23 A. I'm sorry, did you say might? 24 Q. Yeah. Might they do a background check, if you know? 25 A. They might.</p> <p style="text-align: center;">Page 56</p>

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<p>1 Q. Okay.</p> <p>2 A. I don't -- it's not my area of expertise. I don't</p> <p>3 know.</p> <p>4 Q. Is there information -- all right. Let's move to</p> <p>5 talking about the number and --</p> <p>6 A. I apologize, I don't mean to be rude. It is 10:20,</p> <p>7 may we take a quick break for a snack.</p> <p>8 MS. AUKERMAN: Sure.</p> <p>9 (Off the record 10:21 a.m.)</p> <p>10 (Back on the record at 10:33 a.m.)</p> <p>11 BY MS. AUKERMAN:</p> <p>12 Q. So let's talk about the numbers and categories of</p> <p>13 registrants. Can you tell me about the different</p> <p>14 categories of registrants that there are?</p> <p>15 A. Categories? Can you expand on that.</p> <p>16 Q. Sure. So there's inactive, active, active, you know,</p> <p>17 incarcerated, pending review, like all those. I want</p> <p>18 to understand what all the different categories are.</p> <p>19 A. Okay.</p> <p>20 Q. So can you tell me about that.</p> <p>21 A. I don't know them all by heart.</p> <p>22 Q. Sure.</p> <p>23 A. But they represent a -- the current status situation</p> <p>24 of an individual or they help try to represent that</p> <p>25 status.</p> <p style="text-align: center;">Page 57</p>	<p>1 Q. What -- what are the different categories?</p> <p>2 A. So again, I don't recall them all offhand. But say,</p> <p>3 for instance, you mentioned pending review, so that is</p> <p>4 a status used for an individual whose record has been</p> <p>5 created in our system and a thorough check is being</p> <p>6 completed to ensure that everything meant to be in</p> <p>7 that record is in there from the jurisdiction that</p> <p>8 entered it. And until it's complete, it doesn't get</p> <p>9 made to active. Or it could go to incarcerated, could</p> <p>10 go to homeless. So it stays in pending review until</p> <p>11 it's complete.</p> <p>12 Q. Okay. And then there's -- go ahead.</p> <p>13 A. Active means they're active, there's no issues.</p> <p>14 There's no -- there's nothing going on with the</p> <p>15 individual specifically that needs attention. They're</p> <p>16 an active registrant.</p> <p>17 Q. Who falls in the active category?</p> <p>18 A. Individuals that don't -- aren't pending review or</p> <p>19 incarcerated or homeless, absconded.</p> <p>20 Q. Okay. So an incarcerated registrant is not an active</p> <p>21 registrant?</p> <p>22 A. It's a type of active registrant, but they're</p> <p>23 incarcerated. So we try, again, to best represent --</p> <p>24 use the status to best represent their current</p> <p>25 situation.</p> <p style="text-align: center;">Page 58</p>
<p>1 Q. So active registrants would include incarcerated</p> <p>2 individuals?</p> <p>3 A. Not necessarily. If I did a report for active and I</p> <p>4 used active as a status, incarcerated is not going to</p> <p>5 show because those individuals are incarcerated.</p> <p>6 Q. So if you used active, who would show up?</p> <p>7 A. Registrants that aren't incarcerated, homeless,</p> <p>8 absconded, heading out of state, that isn't one of the</p> <p>9 other statuses.</p> <p>10 Q. So it would include Michigan registrants who are out</p> <p>11 in the community; so people who are living in Michigan</p> <p>12 or working in Michigan, reporting in Michigan?</p> <p>13 A. I'm sorry, clarify that one more time.</p> <p>14 Q. So I'm trying to understand who falls in the active</p> <p>15 bucket. So you're saying it does not include</p> <p>16 incarcerated individuals?</p> <p>17 A. Correct.</p> <p>18 Q. And it does not include people who are out of state?</p> <p>19 A. Correct.</p> <p>20 Q. And you're saying it doesn't include homeless</p> <p>21 individuals?</p> <p>22 A. Correct. Because they have their own status. They</p> <p>23 all have their own status.</p> <p>24 Q. And not -- it would not include absconders?</p> <p>25 A. Correct.</p> <p style="text-align: center;">Page 59</p>	<p>1 Q. Okay.</p> <p>2 A. It wouldn't include school only, employment only.</p> <p>3 Q. Okay. And then what about inactive registrants? Who</p> <p>4 falls into those categories -- in that category?</p> <p>5 A. Inactive would be anyone cancelled. It would be</p> <p>6 anyone deported out of country, out of state. That's</p> <p>7 all I can recall at this time.</p> <p>8 Q. How are the incarcerated classified? Is that a</p> <p>9 separate classification?</p> <p>10 A. I'm sorry, I'm not understanding the question.</p> <p>11 Q. So are incarcerated -- you said incarcerated are not</p> <p>12 active, correct?</p> <p>13 A. No. They're considered active, it -- they're just not</p> <p>14 labelled -- their status is not active. The status is</p> <p>15 there to best represent the current situation of the</p> <p>16 individual.</p> <p>17 Q. All right. I'm still -- okay. So let's -- let's use</p> <p>18 an example here. Maybe that'll help clarify my</p> <p>19 confusion.</p> <p>20 So I'm going to show you a document. Can</p> <p>21 you see that?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Do you recognize this document?</p> <p>24 A. I do not.</p> <p>25 Q. Okay. I can tell you that this was a document that</p> <p style="text-align: center;">Page 60</p>

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<p>1 was provided to us in discovery as the number of</p> <p>2 registrants -- in response to discovery requests about</p> <p>3 the number of registrants. Does that make things</p> <p>4 clearer for you?</p> <p>5 A. Yes.</p> <p>6 Q. Do you recall -- were you involved in putting together</p> <p>7 this document?</p> <p>8 A. I may have.</p> <p>9 MS. AUKERMAN: Let's mark this as, I think,</p> <p>10 Exhibit 3. That is Bates 1515.</p> <p>11 MARKED FOR IDENTIFICATION:</p> <p>12 DEPOSITION EXHIBIT 3</p> <p>13 10:40 a.m.</p> <p>14 BY MS. AUKERMAN:</p> <p>15 Q. Okay. This document shows that there are forty</p> <p>16 thousand, one hundred thirty-five -- as of January</p> <p>17 4th, 2023, there were forty thousand, one hundred</p> <p>18 thirty-five individuals on the public Sex Offender</p> <p>19 Registry, correct?</p> <p>20 A. Correct. I see that.</p> <p>21 Q. Can you tell me like how -- like what categories of</p> <p>22 registrants were included to run that number?</p> <p>23 A. What statuses?</p> <p>24 Q. Yeah, what statuses. Like does that include the</p> <p>25 inactive, out of state, does it include the</p> <p style="text-align: center;">Page 61</p>	<p>1 incarcerated? Like who's included in that forty</p> <p>2 thousand number?</p> <p>3 A. That would be active, that would be incarcerated, that</p> <p>4 would be homeless, that would be absconded. I'm sorry</p> <p>5 if I repeat these, I'm not tracking what I'm -- that</p> <p>6 could be pending out of state and that would include</p> <p>7 pending review.</p> <p>8 Q. And what -- who is not included in that number?</p> <p>9 A. You have to forgive me, I don't recall them all, the</p> <p>10 statuses, but that would be something like the</p> <p>11 deported out of country, out of state, cancelled.</p> <p>12 Q. Do you know roughly how many out-of-state registrants</p> <p>13 there are?</p> <p>14 A. I do not.</p> <p>15 Q. Do you know roughly how many total records there are?</p> <p>16 A. I do not.</p> <p>17 MR. JAMISON: Objection as vague.</p> <p>18 BY MS. AUKERMAN:</p> <p>19 Q. You can answer.</p> <p>20 A. I do not.</p> <p>21 Q. Let's talk about the SOR database. The SOR unit got a</p> <p>22 new database while you were there, is that correct?</p> <p>23 A. That is correct.</p> <p>24 Q. Tell me again the implementation date for that.</p> <p>25 A. 8/26/21.</p> <p style="text-align: center;">Page 62</p>
<p>1 Q. Can you tell me what that database can do that the old</p> <p>2 system can't -- couldn't do?</p> <p>3 A. It has a more robust audit log. I'm able to tell</p> <p>4 specifically when someone modified something. I have</p> <p>5 --</p> <p>6 Q. What else?</p> <p>7 A. With -- I have a more robust search capability. It</p> <p>8 includes pretty much all the fields that we have in</p> <p>9 the system. I have the flexibility to create and use</p> <p>10 different statuses. I have the ability to -- in the</p> <p>11 system we have the ability for agency jurisdictions to</p> <p>12 upload their documents directly.</p> <p>13 We have the ability to get notification --</p> <p>14 or not so much notification, but the ability to have</p> <p>15 things brought to our attention that we didn't have</p> <p>16 before, such as if someone's noted as potentially</p> <p>17 being deceased. It's a way for the agency</p> <p>18 jurisdiction to communicate with us within the system.</p> <p>19 Q. What else?</p> <p>20 A. That's all I can recall at the moment. Those were</p> <p>21 some big items for us.</p> <p>22 Q. Okay. So I want to look at the contract for the</p> <p>23 system, which I'll share with you in a minute. Okay.</p> <p>24 Can you see that?</p> <p>25 A. Yes, I can.</p> <p style="text-align: center;">Page 63</p>	<p>1 Q. So I'm -- are you familiar with the contract for the</p> <p>2 database?</p> <p>3 A. I am familiar.</p> <p>4 Q. Okay.</p> <p>5 MS. AUKERMAN: So let's mark this as, I</p> <p>6 believe, Exhibit 4. It starts at Bates 355.</p> <p>7 MARKED FOR IDENTIFICATION:</p> <p>8 DEPOSITION EXHIBIT 4</p> <p>9 10:46 a.m.</p> <p>10 BY MS. AUKERMAN:</p> <p>11 Q. So I want to look through the business specification</p> <p>12 worksheet for that contract. And as I understand it,</p> <p>13 these are the things that the system is supposed to be</p> <p>14 able to do, is that right?</p> <p>15 A. That's how I understand it, correct.</p> <p>16 Q. Okay. So when -- sometimes systems don't do what</p> <p>17 they're supposed to do. So I wanted to see which of</p> <p>18 these things the system actually can do. Okay. Let's</p> <p>19 just work through these. So we won't go through all</p> <p>20 of them, but -- I'm sorry, have we marked this Exhibit</p> <p>21 4.</p> <p>22 So can the system -- does the system have</p> <p>23 the ability to meet changes initiated by Michigan</p> <p>24 legislation or a judicial body within the time frame</p> <p>25 established by those entities? Can the system do</p> <p style="text-align: center;">Page 64</p>

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<p>1 that?</p> <p>2 A. Yes.</p> <p>3 Q. Does it have the ability to meet changes initiated by</p> <p>4 the Michigan State Police -- policy changes within six</p> <p>5 months or less?</p> <p>6 A. So far, yes.</p> <p>7 Q. Does the system have the ability to assign offenders</p> <p>8 to responsible county jurisdiction based on home</p> <p>9 address for providing notifications, running reports,</p> <p>10 conducting searches of offenders that they are</p> <p>11 responsible for?</p> <p>12 A. Yes.</p> <p>13 Q. So the system assigns people to particular</p> <p>14 jurisdictions, is that right?</p> <p>15 A. It uses the county to put them in the jurisdictions,</p> <p>16 so it shows up for their jurisdiction. So if I'm</p> <p>17 Ingham County, anybody that lives in that county, they</p> <p>18 can see them based on the address, city, and state.</p> <p>19 Q. And they're the ones who are then responsible for that</p> <p>20 registrant?</p> <p>21 A. That's not necessarily true.</p> <p>22 Q. What do you mean by that?</p> <p>23 A. We don't dictate who's responsible.</p> <p>24 Q. Okay. So it says system must assign offenders to a</p> <p>25 potential county jurisdiction. What does that mean</p> <p style="text-align: center;">Page 65</p>	<p>1 then?</p> <p>2 MR. JAMISON: Objection, lack of</p> <p>3 foundation.</p> <p>4 BY MS. AUKERMAN:</p> <p>5 Q. You can answer.</p> <p>6 A. I guess the term responsible is the issue here.</p> <p>7 Because we don't -- we just set it up so the system</p> <p>8 will put them in the corresponding county. We don't</p> <p>9 deem who's responsible for that individual. It could</p> <p>10 be at a local level or it could be at a county level.</p> <p>11 That's not to our discretion. That is to the</p> <p>12 jurisdictions to determine.</p> <p>13 Q. So the jurisdiction decides if it's the local police</p> <p>14 or the county sheriff?</p> <p>15 A. Correct.</p> <p>16 Q. So the system here -- I'm scrolling. Does the system</p> <p>17 automate violations? I'm looking under thirty-four</p> <p>18 here on page eighty-eight.</p> <p>19 A. Limited violations.</p> <p>20 Q. I'm sorry, I don't understand what you're saying.</p> <p>21 A. Yes, limited violations.</p> <p>22 Q. So it automates violations?</p> <p>23 A. Limited.</p> <p>24 MR. JAMISON: Objection, asked and</p> <p>25 answered.</p> <p style="text-align: center;">Page 66</p>
<p>1 BY MS. AUKERMAN:</p> <p>2 Q. I'm not understanding the answer.</p> <p>3 A. Yes.</p> <p>4 Q. So the answer is that the system automates violations?</p> <p>5 A. Yes. It has the capability.</p> <p>6 Q. Does it automate fee violations?</p> <p>7 A. No.</p> <p>8 Q. So if someone misses a fee payment, would that show as</p> <p>9 a violation?</p> <p>10 A. No.</p> <p>11 Q. How is -- how is it -- when someone shows as having a</p> <p>12 fee violation on the SOR database, how does that</p> <p>13 happen?</p> <p>14 A. Entering jurisdiction.</p> <p>15 Q. So the entering jurisdiction has to manually enter a</p> <p>16 fee violation?</p> <p>17 A. Correct.</p> <p>18 Q. That is one that's not automated?</p> <p>19 A. Correct.</p> <p>20 Q. What about the palm prints?</p> <p>21 A. Automated.</p> <p>22 Q. Let me -- does -- on the fee violation, is that</p> <p>23 something that is going to get added to the system?</p> <p>24 MR. JAMISON: Objection, lack of</p> <p>25 foundation.</p> <p style="text-align: center;">Page 67</p>	<p>1 BY MS. AUKERMAN:</p> <p>2 Q. You can answer.</p> <p>3 A. I need clarification.</p> <p>4 Q. So the fee violation, the specifications for the</p> <p>5 contract require an automated fee violation, correct?</p> <p>6 A. Uh-huh. Correct.</p> <p>7 Q. So is that yet to be implemented?</p> <p>8 A. Correct.</p> <p>9 Q. And will that be implemented?</p> <p>10 A. I don't know.</p> <p>11 Q. Who would know?</p> <p>12 A. Command, MSP legal.</p> <p>13 Q. What about the ID violation? Is that automated?</p> <p>14 A. Yes.</p> <p>15 Q. The failed to verify, is that automated?</p> <p>16 A. We didn't end up using fail to verify.</p> <p>17 Q. What is failed to verify?</p> <p>18 A. Failed to verify is when an individual is supposed to</p> <p>19 come in within their month period and they don't come</p> <p>20 in. The system was going to notify or make an entry</p> <p>21 in the system that the individual did not come in.</p> <p>22 Q. And you're saying that's not used in the system?</p> <p>23 A. I'm saying failed to verify is not used in the system.</p> <p>24 Q. So how does -- how does law enforcement know if</p> <p>25 someone didn't come in to verify?</p> <p style="text-align: center;">Page 68</p>

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<p>1 MR. JAMISON: Objection, lack of 2 foundation. 3 BY MS. AUKERMAN: 4 Q. You can answer. 5 A. They have to note it. 6 Q. Can they run a report? 7 A. Not for failed to verify, no. 8 Q. How would they -- if an officer wanted to determine 9 everyone in their jurisdiction who was supposed to 10 report in January and didn't, what would they do? 11 MR. JAMISON: Objection, lack of 12 foundation. 13 BY MS. AUKERMAN: 14 Q. You can answer. 15 A. They have to run a report to find out everyone who 16 verified. 17 Q. This says an address automated violation, what is 18 that? 19 A. That did not get implemented. 20 Q. Okay. So the next feature is -- there's required 21 features for investigation and monitoring of 22 registrants, is that right? 23 A. That's what I see on the screen, yes. 24 Q. Okay. And the system has to accommodate tip results, 25 is that correct?</p> <p style="text-align: center;">Page 69</p>	<p>1 A. Correct. 2 Q. And does it in fact do that? 3 A. As I recall, yes. 4 Q. And does the system automatically assign tips to the 5 responsible jurisdiction? 6 A. I don't believe so. 7 Q. When a tip comes in, where does -- does that get sent 8 someplace? 9 A. No. 10 Q. Does it show up as an alert? 11 A. No. 12 Q. For tips marked as new, the system must provide a 13 popup warning upon opening of an offender's record 14 that a new tip has been entered. Does that -- does 15 the system do that? 16 A. There's no popup warning. 17 Q. So then I see here the next thing, the system must 18 have data fields for absconders. Does the system have 19 those fields for absconders? 20 A. Yes. 21 Q. Okay. The system is supposed to have mapping for 22 enforcement sweeps. Does the system have that? 23 A. No. 24 Q. Do you know if the system -- if you know, will that be 25 added to the system?</p> <p style="text-align: center;">Page 70</p>
<p>1 A. I believe so. 2 Q. And the system is supposed to show the last successful 3 residence check, correct? 4 A. Correct. 5 Q. And does it in fact do that? 6 A. It shows all checks. 7 Q. Okay. Moving along, the system is supposed to add 8 Michigan residence check and investigative report 9 forms, correct? 10 A. Repeat the question. 11 Q. I'm looking at number fifty-nine, system must have the 12 ability to add registrant -- registration verification 13 forms, including the Michigan residence check, invest 14 report -- for investigative -- what are those reports? 15 A. That is the name of the report. 16 Q. Okay. Is that a form? 17 A. I would say yes. 18 MS. AUKERMAN: I don't believe we've been 19 provided with that form. So we'll need to see that. 20 BY MS. AUKERMAN: 21 Q. What -- so the system has the ability to add those 22 residence checks or investigative reports, correct? 23 A. I'm not clear as to the question. 24 Q. Okay. So -- 25 A. It's generated. It's generated. It's not -- it's a</p> <p style="text-align: center;">Page 71</p>	<p>1 -- it's generated into a printable form, I guess is 2 how I would describe it. 3 Q. So but you're saying that number fifty-nine -- that 4 the system has the ability described in number 5 fifty-nine? 6 A. Uh-huh. Correct. 7 Q. Okay. Looking at number sixty-four here, it says the 8 system is supposed to accept investigative tips that 9 feed into the registry system in a corresponding 10 jurisdiction for where the offender lives to be 11 addressed by law enforcement. Can the system do that? 12 A. In part. 13 Q. What -- you say in part, what do you mean? 14 A. It goes into the registrant's record, and that's as 15 far as it goes. 16 Q. You're saying it doesn't go to the corresponding 17 jurisdiction? 18 A. That is correct. 19 Q. But if the jurisdiction opened the record, they would 20 see that? 21 A. Correct. 22 Q. Okay. Okay. The -- moving on to sixty-eight here, 23 website will map offender addresses for the public and 24 return results for offenders in user's vicinity, up to 25 fifteen miles. Can the system do that?</p> <p style="text-align: center;">Page 72</p>

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<p>1 A. Yes.</p> <p>2 Q. The system shall allow the -- sixty-nine -- system</p> <p>3 shall allow public users to sign up and receive emails</p> <p>4 or text messages regarding when an offender moves to,</p> <p>5 attends school near, or works in a user's vicinity.</p> <p>6 Does the system do that?</p> <p>7 A. Not fully.</p> <p>8 Q. Can you explain that?</p> <p>9 A. No text messages.</p> <p>10 Q. So just emails?</p> <p>11 A. Correct.</p> <p>12 Q. So a public user can sign up for emails about when an</p> <p>13 offender moves, attends school near, or works in the</p> <p>14 person's vicinity, correct?</p> <p>15 A. Correct.</p> <p>16 Q. Number seventy, system shall allow offenders to sign</p> <p>17 up and receives email notifications regarding</p> <p>18 verification reminders or other pertinent information</p> <p>19 through the public-facing website. Is that something</p> <p>20 the system does?</p> <p>21 A. No.</p> <p>22 Q. Do you know if there's an intention to add that to the</p> <p>23 system?</p> <p>24 A. I believe so.</p> <p>25 Q. Number seventy-seven, the system must allow offenders</p> <p style="text-align: center;">Page 73</p>	<p>1 to complete updates through their phones or other</p> <p>2 electronic devices. Does the system do that?</p> <p>3 A. No.</p> <p>4 Q. If you know, is there an intention to add that</p> <p>5 functionality to the system?</p> <p>6 A. I believe so.</p> <p>7 Q. If that were added to the system, registrants could</p> <p>8 record information electronically?</p> <p>9 A. I don't know.</p> <p>10 Q. What do you mean you don't know?</p> <p>11 A. I don't know what that looks like.</p> <p>12 Q. But you're saying that there is an intention to add</p> <p>13 the capability to the system to allow that -- let me</p> <p>14 try to say this clearly.</p> <p>15 The contract specified that the system must</p> <p>16 allow offenders to complete updates through their</p> <p>17 phone or other electronic devices, correct?</p> <p>18 A. Correct.</p> <p>19 Q. And your understanding is that the intention is to add</p> <p>20 that functionality to the system, correct?</p> <p>21 A. Correct.</p> <p>22 Q. Okay. Looking at one one oh, this is with respect to</p> <p>23 fees. It says the system -- the -- should have the</p> <p>24 capability if fee status is indigent for ninety days,</p> <p>25 on the ninety-first day, 12:00 a.m., EST, system must</p> <p style="text-align: center;">Page 74</p>
<p>1 automatically make the offender non-compliant for</p> <p>2 fees. Does the system do that?</p> <p>3 A. No.</p> <p>4 Q. Is there an intention to have the system do that in</p> <p>5 the future?</p> <p>6 A. I don't know.</p> <p>7 Q. Okay. I wanted to talk next about interfaces that the</p> <p>8 system has with other -- the database has with other</p> <p>9 databases and just go through and verify that these</p> <p>10 are -- again, as I understand it -- specifications for</p> <p>11 the system, correct?</p> <p>12 A. Okay.</p> <p>13 Q. And I wanted to see if what was in the contract is</p> <p>14 actually happening or available in practice.</p> <p>15 A. Okay. Do you mind making that bigger, please.</p> <p>16 Q. Let me see if I can do that.</p> <p>17 A. It's the plus or minus in the bottom right corner.</p> <p>18 There you go. Thank you.</p> <p>19 Q. Sure. Okay. So first of all, there's an interface</p> <p>20 with the criminal history record. Is that interface</p> <p>21 active?</p> <p>22 A. Yes.</p> <p>23 Q. Does that provide -- it looks like a nightly batch</p> <p>24 process, is that what happens?</p> <p>25 A. I believe so.</p> <p style="text-align: center;">Page 75</p>	<p>1 Q. Then moving on to the Michigan cashing and</p> <p>2 receiving system. There's supposed to be an interface</p> <p>3 with that. Is that interface active?</p> <p>4 A. Yes.</p> <p>5 Q. And it indicates that the data's sent on a monthly</p> <p>6 basis, is that the case?</p> <p>7 A. I believe so.</p> <p>8 Q. Okay. And then there's an interface with LEIN, is</p> <p>9 that correct? So LEIN -- there's no interface with</p> <p>10 LEIN?</p> <p>11 A. Correct.</p> <p>12 Q. Is there an, if you know, an intention to build that</p> <p>13 capability into the system?</p> <p>14 A. I do not know.</p> <p>15 Q. And then there's -- the first LEIN entry here regards</p> <p>16 warrants. And then there's LEIN entry for vehicles.</p> <p>17 Is there an interface with LEIN regarding vehicles?</p> <p>18 A. No.</p> <p>19 Q. And then we have an interface with the Michigan</p> <p>20 Department of Corrections. Is there an interface with</p> <p>21 the Michigan Department of Corrections?</p> <p>22 A. No.</p> <p>23 Q. Do you know if there's an intention to create that</p> <p>24 interface as indicated in the contract?</p> <p>25 A. I believe so.</p> <p style="text-align: center;">Page 76</p>

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<p>1 Q. Next we have the National Sex Offender Registry public 2 website. Is there an interface there? 3 A. Yes. 4 Q. Is that an -- it indicates realtime updates. Is that 5 what's happening? 6 A. I believe so. 7 Q. Okay. Moving on to SNAP, the Statewide Network Agency 8 Photos, is there an interface with SNAP? 9 A. Yes. 10 Q. And it indicates that that's a realtime transfer, is 11 that correct? 12 A. I believe so. 13 Q. Okay. Then we've got the Secretary of State. Is 14 there an interface with the Secretary of State? 15 A. No. 16 Q. I went too fast. So Secretary of State, first of all, 17 there's an entry here regarding death records. Is 18 there an interface with Secretary of State for death 19 records? 20 A. No. 21 Q. Is there an intention to create such an interface, to 22 your knowledge? 23 A. No. 24 Q. Let me try to understand this. So the -- the contract 25 specified that there should be a Secretary of State</p> <p style="text-align: center;">Page 77</p>	<p>1 interface, but you're saying that there's no intention 2 to actually do what's in the contract? 3 MR. JAMISON: Objection, lack of 4 foundation. 5 BY MS. AUKERMAN: 6 Q. You can answer. 7 A. We are not interfacing with the SOS for death notice. 8 Q. Do you know why that interface was not created? 9 A. Yes. 10 Q. Why? 11 A. Because we get it from somewhere else. 12 Q. Where do you get it from? 13 A. We get it from LEIN. 14 Q. Okay. I thought you said that there's no interface 15 with LEIN? 16 A. That was for warrants. 17 Q. Okay. So what interface is there with LEIN? 18 A. For death notices. 19 Q. Anything else? 20 A. Not to my knowledge. 21 Q. Okay. Is there any interface with the Secretary of 22 State? 23 A. No. 24 Q. Okay. So moving on to vehicles -- or excuse me, 25 driver's licenses is next, seven point one, is that</p> <p style="text-align: center;">Page 78</p>
<p>1 interface active? 2 A. No. 3 Q. Do you know why that interface was not created? 4 A. We get it from somewhere else. 5 Q. Where's that? 6 A. If I recall correctly, it's SNAP. 7 Q. So you get the driver's license information from SNAP? 8 A. I can't recall right now, but I believe so. 9 Q. Is there other information that you get from -- let's 10 go back to SNAP? 11 A. No. 12 Q. So from SNAP, you get it -- you get photographs in 13 realtime, correct? 14 A. I believe so. 15 Q. And then you said you get license information? 16 A. If I recall correctly, yes. 17 Q. Is there anything else that you get from SNAP? 18 A. No. 19 Q. Going back to the Secretary of State, number seven 20 point two, the photos, is that something that you get 21 from the Secretary of State? 22 A. No. 23 Q. Do you get that from SNAP, correct? 24 A. Correct. 25 Q. Okay. Now seven point three, vehicles, is there an</p> <p style="text-align: center;">Page 79</p>	<p>1 interface on vehicles? 2 A. No. 3 Q. Do you get that information someplace else? 4 A. No. 5 Q. Registrants have to report that information, correct? 6 A. Per statute, yes. 7 Q. Do you know why the interface was not created to 8 provide the vehicle information? 9 A. No. 10 Q. Do you know whether there's an intention to complete 11 this portion of the contract and create the vehicle 12 interface? 13 A. I do not know. 14 Q. Okay. Let's keep going here. We've got the Michigan 15 State Police dashboard, is this -- is this an 16 interface that's active? 17 A. No. 18 Q. Do you know whether it is intended to become active -- 19 that was a badly phrased question. 20 Do you know whether there's an intention to 21 make that interface active? 22 A. I do not know. 23 Q. Okay. Okay. Next we've got the Federal Bureau of 24 Prisons. Can the database interface with the Federal 25 Bureau of Prisons?</p> <p style="text-align: center;">Page 80</p>

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<p>1 A. No.</p> <p>2 Q. Do you get that information someplace else?</p> <p>3 A. No.</p> <p>4 Q. Do you know there's an intention to make that</p> <p>5 interface active?</p> <p>6 A. I don't believe so.</p> <p>7 Q. Okay. What about the interface with ICE? Is that</p> <p>8 active?</p> <p>9 A. No.</p> <p>10 Q. Do you get that information someplace else?</p> <p>11 A. No.</p> <p>12 Q. Do you know if there's an intention to make that</p> <p>13 active?</p> <p>14 A. I don't believe so.</p> <p>15 Q. Okay. Moving on to the Bridge Card, is that -- is</p> <p>16 that active?</p> <p>17 A. No.</p> <p>18 Q. Do you get that information from someplace else?</p> <p>19 A. No.</p> <p>20 Q. If an offender is indigent, would they report that to</p> <p>21 law enforcement to get a waiver of the fee?</p> <p>22 A. Can you clarify.</p> <p>23 Q. So if an indigent offender is seeking a waiver of</p> <p>24 the fee, is that something that they would tell law</p> <p>25 enforcement about?</p> <p style="text-align: center;">Page 81</p>	<p>1 MR. JAMISON: Objection, lack of</p> <p>2 foundation.</p> <p>3 A. I'm not understanding what you're talking about.</p> <p>4 BY MS. AUKERMAN:</p> <p>5 Q. Okay. Let me clarify. So SOR requires registrants to</p> <p>6 pay a fee, is that correct?</p> <p>7 A. The statute requires someone to pay a fee.</p> <p>8 Q. Okay. Are you aware that under the statute if a</p> <p>9 person is indigent, they can seek a waiver of the fee?</p> <p>10 A. Yes.</p> <p>11 Q. And are you aware that under the statute, if a</p> <p>12 person -- a person has to demonstrate that they're</p> <p>13 indigent to the satisfaction of law enforcement in</p> <p>14 order to get a waiver, correct?</p> <p>15 A. To their jurisdiction, correct.</p> <p>16 Q. Okay. And are you aware that one of the ways to</p> <p>17 demonstrate indigency would be with a Bridge Card,</p> <p>18 public benefits card?</p> <p>19 A. I was not aware.</p> <p>20 Q. So if you're demonstrating indigency to the</p> <p>21 satisfaction of your local jurisdiction, one way you</p> <p>22 could do that is to show you're receiving food</p> <p>23 assistance, correct?</p> <p>24 A. As you just said, yes.</p> <p>25 Q. Okay. This interface with the -- to determine who has</p> <p style="text-align: center;">Page 82</p>
<p>1 a Bridge Card is not active, correct?</p> <p>2 A. Correct.</p> <p>3 Q. Do you know -- does the Michigan State Police get that</p> <p>4 information about who has a Bridge Card in another</p> <p>5 way?</p> <p>6 A. No.</p> <p>7 Q. It would only be if the offender reports having a</p> <p>8 Bridge Card, correct?</p> <p>9 A. They don't typically report that to us.</p> <p>10 Q. If they -- if the registrant came in to say I have a</p> <p>11 Bridge Card, I'm indigent, that's how the system would</p> <p>12 find out about it, correct?</p> <p>13 MR. JAMISON: Objection, lack of</p> <p>14 foundation.</p> <p>15 A. If they reported that to the jurisdiction and the</p> <p>16 jurisdiction entered that into the system.</p> <p>17 BY MS. AUKERMAN:</p> <p>18 Q. Okay. Are you aware of whether there is an intention</p> <p>19 to make this interface with the Department of Health</p> <p>20 and Human Services active?</p> <p>21 A. I don't believe so.</p> <p>22 Q. The SOR database is a database that captures a lot of</p> <p>23 information, correct?</p> <p>24 MR. JAMISON: Objection, that's vague.</p> <p>25 BY MS. AUKERMAN:</p> <p style="text-align: center;">Page 83</p>	<p>1 Q. You can answer.</p> <p>2 A. The system collects data provided by jurisdictions.</p> <p>3 Q. Okay. In your -- you point out something there in</p> <p>4 your answer, which is that the jurisdictions have to</p> <p>5 collect it for it to be entered, correct?</p> <p>6 A. They have to collect it and they have to enter it.</p> <p>7 Q. Fair enough. Very good correction of my question.</p> <p>8 So if the jurisdiction doesn't collect the</p> <p>9 information, it won't be entered, correct?</p> <p>10 A. I would agree with that statement.</p> <p>11 Q. Other than if there's an interface that like</p> <p>12 pre-populates that information?</p> <p>13 A. I would agree with that statement.</p> <p>14 Q. So if you have interfaces that are providing, say,</p> <p>15 criminal history information, the jurisdiction doesn't</p> <p>16 have to collect that information?</p> <p>17 MR. JAMISON: Objection, lack of</p> <p>18 foundation.</p> <p>19 BY MS. AUKERMAN:</p> <p>20 Q. You can answer.</p> <p>21 A. I would disagree with that statement.</p> <p>22 Q. Can you explain it to me, what you disagree with.</p> <p>23 A. Because you're talking about an interface with</p> <p>24 criminal history. But criminal history is only</p> <p>25 Michigan offenses, it's not out-of-state offenses. We</p> <p style="text-align: center;">Page 84</p>

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<p>1 don't always -- so we have to rely on the individual</p> <p>2 to report to see if there was anything else.</p> <p>3 Q. But if there's information that comes in through an</p> <p>4 interface, you don't -- it doesn't need to be -- it'll</p> <p>5 still be in the system, even if the local jurisdiction</p> <p>6 doesn't collect it, correct?</p> <p>7 A. Can you clarify that question.</p> <p>8 Q. So if there's information -- let me -- I'm trying to</p> <p>9 say this clearly.</p> <p>10 So if information comes in from the</p> <p>11 interface, say, a photograph from SNAP, that will be</p> <p>12 in the system, even if the local jurisdiction doesn't</p> <p>13 collect a photograph from the registrant, correct?</p> <p>14 A. I agree with that statement.</p> <p>15 Q. Okay. And if there's other types of information that</p> <p>16 come in through an interface, that'll be in the system</p> <p>17 even if the registrant doesn't report that</p> <p>18 information, correct?</p> <p>19 A. No.</p> <p>20 Q. Can you explain why not?</p> <p>21 A. As I mentioned already, that if there is an instance</p> <p>22 of something that's collected or happened in another</p> <p>23 state, we don't automatically get that information,</p> <p>24 even with an interface.</p> <p>25 Q. Right. But I guess what I'm trying to understand and</p> <p style="text-align: center;">Page 85</p>	<p>1 make sure I understand is that if you have information</p> <p>2 in the -- that comes in from the interface -- I</p> <p>3 realize some information doesn't come in through an</p> <p>4 interface and the interface might be incomplete.</p> <p>5 But the information that comes in through</p> <p>6 the interface is in the system, correct?</p> <p>7 MR. JAMISON: Objection, vague.</p> <p>8 BY MS. AUKERMAN:</p> <p>9 Q. You can answer.</p> <p>10 A. That would be the logic.</p> <p>11 Q. Okay. So -- okay. Let's move on to information that</p> <p>12 is collected at the local -- by law enforcement when a</p> <p>13 registrant comes in. You mentioned earlier that the</p> <p>14 information has to be both collected and entered,</p> <p>15 correct?</p> <p>16 A. Correct.</p> <p>17 Q. And if the information is not entered by law</p> <p>18 enforcement, it won't be in the system, correct?</p> <p>19 A. Correct.</p> <p>20 Q. Okay. What -- in your opinion, experience, to what</p> <p>21 extent are users inputting information that they</p> <p>22 collect?</p> <p>23 A. I don't understand the question.</p> <p>24 Q. Well, sometimes people are really good about filling</p> <p>25 out every single field and going through all the</p> <p style="text-align: center;">Page 86</p>
<p>1 drop-downs. And sometimes people just put in, you</p> <p>2 know, sort of initial information, that maybe they</p> <p>3 don't go to all the subparts of an entry, for example.</p> <p>4 What I'm trying to get at is in your</p> <p>5 experience, how good is the -- how complete is the</p> <p>6 information that's being entered by law enforcement?</p> <p>7 MR. JAMISON: Objection, lack of foundation</p> <p>8 and vague.</p> <p>9 BY MS. AUKERMAN:</p> <p>10 Q. You can answer.</p> <p>11 A. I couldn't say.</p> <p>12 Q. You couldn't say because?</p> <p>13 A. I don't know.</p> <p>14 Q. Do you -- you mentioned earlier that there are quality</p> <p>15 assurance checks to see how complete information, how</p> <p>16 complete records are, correct?</p> <p>17 A. Correct.</p> <p>18 Q. So based on your experience looking at those quality</p> <p>19 assurance reports, do you have a sense of how complete</p> <p>20 the data is?</p> <p>21 A. No.</p> <p>22 Q. Are there things that you wish users of the</p> <p>23 registry -- law enforcement users of the registry</p> <p>24 would do that they're not doing?</p> <p>25 A. Can you repeat the question.</p> <p style="text-align: center;">Page 87</p>	<p>1 Q. Are there -- are there things that, you know, as</p> <p>2 someone who supervised this unit, I had to deal with</p> <p>3 whatever inaccuracies there are, incompleteness there</p> <p>4 is? Are there things you wish law enforcement users</p> <p>5 of the registry would do that they are not doing?</p> <p>6 MR. JAMISON: Objection as vague.</p> <p>7 BY MS. AUKERMAN:</p> <p>8 Q. You can answer.</p> <p>9 A. I'm sure, not that I can think of off the top of my</p> <p>10 head right now.</p> <p>11 Q. Are there fields that often didn't get filled in?</p> <p>12 A. That's not my responsibility, so I can't really say.</p> <p>13 Q. Okay. To give you an example, is it your experience</p> <p>14 that every residence check gets entered into the</p> <p>15 system?</p> <p>16 MR. JAMISON: Objection, lack of</p> <p>17 foundation.</p> <p>18 BY MS. AUKERMAN:</p> <p>19 Q. You can answer.</p> <p>20 A. Residence checks are not a requirement and, therefore,</p> <p>21 it is not expected to see a residence check on the</p> <p>22 file or many.</p> <p>23 Q. I'm not sure I understand that answer.</p> <p>24 A. Residence checks are not a requirement.</p> <p>25 Q. Okay. But if someone conducts an -- are you saying</p> <p style="text-align: center;">Page 88</p>

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<p>1 that someone might because they're -- are you saying</p> <p>2 that a person might conduct -- or law enforcement</p> <p>3 might conduct a residence check and not enter it into</p> <p>4 the system?</p> <p>5 A. No, I'm not saying that.</p> <p>6 Q. Okay. I'm -- maybe you can explain what you're</p> <p>7 saying, because I'm not understanding your answer.</p> <p>8 A. The residence check is not a requirement by statute.</p> <p>9 Q. Okay. But there's a place in the system to mark when</p> <p>10 one's been done, correct?</p> <p>11 A. Correct.</p> <p>12 Q. Okay. And is it your experience that every residence</p> <p>13 check that is ever done is marked in the system?</p> <p>14 MR. JAMISON: Objection, lack of</p> <p>15 foundation.</p> <p>16 A. I don't know.</p> <p>17 BY MS. AUKERMAN:</p> <p>18 Q. So for public -- for a user of the registry, if you</p> <p>19 click on a registrant entry, what is the information</p> <p>20 you can find out about that registrant for a -- for a</p> <p>21 public user of the registry?</p> <p>22 A. I need you to repeat that, I'm sorry.</p> <p>23 Q. So for a public user of the registry, if you look up a</p> <p>24 particular registrant, John Doe, what information can</p> <p>25 you find out about that registrant?</p> <p style="text-align: center;">Page 89</p>	<p>1 A. Your question isn't making sense to me, I'm sorry.</p> <p>2 Q. Let's move on actually. Now, there's some information</p> <p>3 that the SOR unit, as I understand it, doesn't keep</p> <p>4 within the SOR database, is that correct?</p> <p>5 MR. JAMISON: Objection, vague.</p> <p>6 A. I don't know.</p> <p>7 BY MS. AUKERMAN:</p> <p>8 Q. Okay. Let me -- let me try to explain where I'm going</p> <p>9 with this. So do you have spreadsheets that you keep</p> <p>10 separate from the SOR database?</p> <p>11 A. Not that I'm aware of.</p> <p>12 Q. I think we received -- in discovery received a</p> <p>13 spreadsheet involving recaptured individuals. Is that</p> <p>14 a spreadsheet that is kept separate from the SOR</p> <p>15 database?</p> <p>16 A. That's in the SOR database, those names, those people.</p> <p>17 Q. That's not a separate spreadsheet that you track</p> <p>18 recaptured people in?</p> <p>19 A. That was a report.</p> <p>20 Q. Okay. Okay. And then --</p> <p>21 A. That wasn't ongoing use.</p> <p>22 Q. Okay. With respect to Lymon, I believe we discussed</p> <p>23 -- we heard that there was a spreadsheet to track the</p> <p>24 Lymon individuals. Is that -- is there such a</p> <p>25 spreadsheet?</p> <p style="text-align: center;">Page 90</p>
<p>1 A. We have created the communication to the prosecuting</p> <p>2 attorneys, and we had to run a report to -- in order</p> <p>3 to give them a list of who those individuals were for</p> <p>4 those specific areas.</p> <p>5 Q. Is there a spreadsheet where you track responses from</p> <p>6 prosecutors?</p> <p>7 A. We track in the system, but yes, we do have that -- we</p> <p>8 have that report.</p> <p>9 Q. You're saying there's no tracking on a separate</p> <p>10 spreadsheet?</p> <p>11 A. We're putting it on the spreadsheet, but we're also</p> <p>12 putting it in the system.</p> <p>13 Q. That's what I'm trying to get at, is whether there are</p> <p>14 spreadsheets where you track particular projects or</p> <p>15 particular information that is separate from what is</p> <p>16 input into the SOR database itself. So we've talked</p> <p>17 about one of those, the Lymon spreadsheet.</p> <p>18 Are there other spreadsheets where you</p> <p>19 track particular projects?</p> <p>20 A. There are other reports that have been run where</p> <p>21 information is put in them and also in the database.</p> <p>22 Q. And what are those?</p> <p>23 A. When we sent out Doe letters. We would make a</p> <p>24 notation first there that we sent it out, and then we</p> <p>25 would put it in the individual's record.</p> <p style="text-align: center;">Page 91</p>	<p>1 Q. When you say Doe letters, what do you mean by that?</p> <p>2 A. As part of the mass mailings, I'm sorry. I guess it</p> <p>3 was part of that Doe's case, we had to send out mass</p> <p>4 mailing letters to all registrants.</p> <p>5 Q. Okay. This is Does 2 you're talking about?</p> <p>6 A. Oh my gosh, maybe, I'm sorry.</p> <p>7 Q. Okay. Fair enough. What you're saying is there's a</p> <p>8 spreadsheet that shows everybody who got a letter</p> <p>9 about the Doe's case? Or I should say not got.</p> <p>10 Everybody was sent a letter about the Doe's</p> <p>11 case?</p> <p>12 A. Correct.</p> <p>13 Q. And that's a separate spreadsheet from the database?</p> <p>14 A. And if I made a notation on that about it was</p> <p>15 returned, then I also entered it into MSOR.</p> <p>16 Q. So that database would -- that spreadsheet would show</p> <p>17 whether the letter was returned?</p> <p>18 A. Correct.</p> <p>19 Q. Are there -- we talked about the two spreadsheets, the</p> <p>20 Lymon spreadsheet and the Doe letter spreadsheets.</p> <p>21 Are there other spreadsheets or reports?</p> <p>22 A. Not that I can recall at the moment. I mean, it is</p> <p>23 possible, we run reports for projects, for cleanup</p> <p>24 work.</p> <p>25 Q. Okay. Let's talk about -- let's talk about the forms</p> <p style="text-align: center;">Page 92</p>

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<p>1 that are used with the registry. I'm going to share</p> <p>2 my screen here. Can you see that?</p> <p>3 A. I can.</p> <p>4 Q. Okay. Do you recognize this?</p> <p>5 A. Yes.</p> <p>6 Q. What is it?</p> <p>7 A. The Michigan sex offender registration, verification,</p> <p>8 and update form.</p> <p>9 MS. AUKERMAN: We'll mark that Exhibit 5.</p> <p>10 MARKED FOR IDENTIFICATION:</p> <p>11 DEPOSITION EXHIBIT 5</p> <p>12 11:33 a.m.</p> <p>13 BY MS. AUKERMAN:</p> <p>14 Q. Can you tell me is this the most current version? It</p> <p>15 shows 3/20/2022.</p> <p>16 A. I believe so.</p> <p>17 Q. And is this -- tell me how this form is used.</p> <p>18 A. This is used for an individual when they -- it's when</p> <p>19 they report their initial registration, verification,</p> <p>20 or an in-person update.</p> <p>21 Q. So three -- all three purposes?</p> <p>22 A. Correct.</p> <p>23 Q. Is this a physical form that they're given?</p> <p>24 A. No.</p> <p>25 Q. How is the form used then?</p> <p style="text-align: center;">Page 93</p>	<p>1 A. It's in the system. It's generated in the system upon</p> <p>2 completion of all the reported information.</p> <p>3 Q. So walk me through that. A person is -- does an</p> <p>4 initial registration -- a registrant is -- does an</p> <p>5 initial registration. They're not filling out this</p> <p>6 form, correct?</p> <p>7 A. In most cases, no.</p> <p>8 Q. And law enforcement isn't filling out the form,</p> <p>9 correct?</p> <p>10 A. Sometimes, yes.</p> <p>11 Q. When would those times be?</p> <p>12 A. Well, if they're not coming through from</p> <p>13 incarceration, parole, or probation, then chances are</p> <p>14 they're showing up at their local law enforcement</p> <p>15 agency where they have jurisdiction of their</p> <p>16 residents.</p> <p>17 Q. Right. I guess my question is -- is -- is the -- are</p> <p>18 the initial entries made into the database? Or are</p> <p>19 they made on the form?</p> <p>20 A. Most of the time it's in the database, but sometimes</p> <p>21 it's on the form.</p> <p>22 Q. Okay. If they're made in the database then how does</p> <p>23 the form come into play?</p> <p>24 A. They would be the -- the user generates the form and</p> <p>25 it pre-populates with all the submitted information</p> <p style="text-align: center;">Page 94</p>
<p>1 for review with the individual.</p> <p>2 Q. Okay. So the user generates the form and is the form</p> <p>3 printed out?</p> <p>4 A. Correct.</p> <p>5 Q. Is it always printed out?</p> <p>6 MR. JAMISON: Objection, lack of</p> <p>7 foundation.</p> <p>8 A. I can't say.</p> <p>9 BY MS. AUKERMAN:</p> <p>10 Q. Okay. So you're not sure. And it would be prefilled</p> <p>11 out with what -- whatever information is -- has been</p> <p>12 entered into the database?</p> <p>13 A. Correct.</p> <p>14 Q. And then the registrant is supposed to sign the form,</p> <p>15 correct?</p> <p>16 A. Correct.</p> <p>17 Q. Does the system automatically require the form to be</p> <p>18 printed?</p> <p>19 A. Can you repeat that question.</p> <p>20 Q. So after a person verifies, they go in and they report</p> <p>21 they've -- this is the quarterly verification, nothing</p> <p>22 has changed, they sign on a digital pad. Does the</p> <p>23 system automatically print out a copy of the form?</p> <p>24 A. Not automatically.</p> <p>25 Q. So the law enforcement officer would have to provide a</p> <p style="text-align: center;">Page 95</p>	<p>1 copy of the form or manually hit print for the form to</p> <p>2 print out?</p> <p>3 A. They would have to generate it, print it.</p> <p>4 Q. Okay. So when does the -- I noticed in some of the</p> <p>5 documents that in some places there are now digital</p> <p>6 pads to sign, is that correct?</p> <p>7 A. For the signature?</p> <p>8 Q. Yeah. For the signature on this form.</p> <p>9 A. In some places, yes.</p> <p>10 Q. So what does a registrant actually see when they're</p> <p>11 signing that signature pad?</p> <p>12 MR. JAMISON: Objection, lack of</p> <p>13 foundation.</p> <p>14 BY MS. AUKERMAN:</p> <p>15 Q. You can answer.</p> <p>16 A. They see just the signature, requirement of the</p> <p>17 signature.</p> <p>18 Q. So they just see the signature pad where it says sign</p> <p>19 here?</p> <p>20 A. Correct.</p> <p>21 MR. JAMISON: Objection, lack of</p> <p>22 foundation.</p> <p>23 BY MS. AUKERMAN:</p> <p>24 Q. Okay. And then if the form is printed out, their</p> <p>25 signature would appear at the bottom of the form?</p> <p style="text-align: center;">Page 96</p>

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<p>1 A. Correct.</p> <p>2 Q. When does a registrant sign this form?</p> <p>3 A. After reviewing with the user.</p> <p>4 Q. So they would sign it on initial registration,</p> <p>5 correct?</p> <p>6 A. Correct.</p> <p>7 Q. And they would sign it on verification, correct?</p> <p>8 A. Correct.</p> <p>9 Q. And they would sign it for an in-person update?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. Are registrants, if you know, legally required</p> <p>12 to sign this form?</p> <p>13 A. As prescribed by statute, they're supposed to.</p> <p>14 Q. Does anything happen in the system if a registrant</p> <p>15 refuses to sign?</p> <p>16 A. Does anything happen in the system, no, I don't</p> <p>17 believe so.</p> <p>18 Q. Does the system generate a form violation?</p> <p>19 A. It doesn't automatically generate.</p> <p>20 Q. Is there a form violation flag in the system? Or is</p> <p>21 it -- is that -- is that -- does the system have the</p> <p>22 capability to show form violations?</p> <p>23 A. Yes.</p> <p>24 Q. And how are those violations generated?</p> <p>25 A. Users.</p> <p style="text-align: center;">Page 97</p>	<p>1 Q. So a user would say Mr. Doe came in and didn't sign</p> <p>2 this form, I'm going to flag him as a form violator?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. So has this form, to your knowledge, changed</p> <p>5 over time?</p> <p>6 A. I don't know.</p> <p>7 Q. Was the same version of the form used the entire time</p> <p>8 that you were in the registry unit?</p> <p>9 A. We switched over to one form shortly after I came</p> <p>10 over.</p> <p>11 Q. So there have been different versions while you were</p> <p>12 there?</p> <p>13 A. I believe so.</p> <p>14 Q. Okay. Do you know who wrote this form?</p> <p>15 A. No, I don't.</p> <p>16 Q. Were you consulted at all about the content of this</p> <p>17 form?</p> <p>18 A. I provided input, yes.</p> <p>19 Q. What input did you provide?</p> <p>20 A. My part was making sure if out of the form, two forms</p> <p>21 coming together, if they -- if we captured all the</p> <p>22 fields.</p> <p>23 Q. So your input was about making sure that you had the</p> <p>24 information you need to -- I think you used the term</p> <p>25 pack the record?</p> <p style="text-align: center;">Page 98</p>
<p>1 A. Required by statute, to make sure that the fields</p> <p>2 existed that were required by statute.</p> <p>3 Q. Whom did you provide that input to?</p> <p>4 A. My manager at the time.</p> <p>5 Q. Who was that?</p> <p>6 A. Liz Arritt, Elizabeth Arritt, excuse me.</p> <p>7 Q. Was she the -- what was her position at that time?</p> <p>8 A. SOR unit manager.</p> <p>9 Q. So she was the manager that preceded you, correct?</p> <p>10 A. Correct.</p> <p>11 Q. Can you -- let's look at the last sentence of the --</p> <p>12 right before the signature block. It says I have read</p> <p>13 the above requirements and/or have read them to me and</p> <p>14 I understand my registration duties, correct?</p> <p>15 A. I see that.</p> <p>16 Q. Okay. Do you know when that language first appeared</p> <p>17 on the form?</p> <p>18 A. I do not.</p> <p>19 Q. Do you know who was involved in adding that language?</p> <p>20 A. I do not.</p> <p>21 Q. Has that language been on the form for the entire time</p> <p>22 that you were working at the SOR unit?</p> <p>23 A. I do not know.</p> <p>24 Q. Okay. Let's look at this explanation of duties. How</p> <p>25 would you describe what this explanation of duties is?</p> <p style="text-align: center;">Page 99</p>	<p>1 A. These are the individual's requirements per statute.</p> <p>2 Q. Is this everything that the statute requires?</p> <p>3 A. For the purpose of reporting, I believe so.</p> <p>4 Q. So there's nothing in the statute that isn't captured</p> <p>5 here in this explanation of duties?</p> <p>6 MR. JAMISON: Objection, mischaracterizes</p> <p>7 her answer.</p> <p>8 BY MS. AUKERMAN:</p> <p>9 Q. You can answer.</p> <p>10 A. I don't know.</p> <p>11 Q. Is there any information or -- are there any</p> <p>12 requirements in the statute that are not listed in the</p> <p>13 explanation of duties?</p> <p>14 A. I don't believe so.</p> <p>15 Q. Does -- let's look at the description for internet</p> <p>16 identifiers here. This tells registrants they have to</p> <p>17 report all electronic addresses and internet</p> <p>18 identifiers registered to me or used by me, correct?</p> <p>19 A. I see that, yes.</p> <p>20 Q. Does it tell you what an internet identifier is?</p> <p>21 A. It says internet identifiers means all designations</p> <p>22 used for self-identification or routing in internet</p> <p>23 communication or postings, and provides citing of the</p> <p>24 statute.</p> <p>25 Q. Does it tell you whether that includes an IP address?</p> <p style="text-align: center;">Page 100</p>

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<p>1 A. I don't read that there.</p> <p>2 Q. Okay. So a person wouldn't know if they had to report</p> <p>3 an IP address by reading this explanation of duties?</p> <p>4 MR. JAMISON: Objection, lack of</p> <p>5 foundation.</p> <p>6 BY MS. AUKERMAN:</p> <p>7 Q. You can answer.</p> <p>8 A. I don't know.</p> <p>9 Q. You don't know whether they would know?</p> <p>10 A. Correct.</p> <p>11 Q. It describes that you're supposed to provide the</p> <p>12 license plate number and description of any vehicle</p> <p>13 that I own or operate, correct?</p> <p>14 A. That's what it says, yes.</p> <p>15 Q. Would a -- does it tell a registrant whether they have</p> <p>16 to report a car that they rent?</p> <p>17 A. I'm sorry, say that again.</p> <p>18 Q. If a registrant rents a car for a day, does it tell</p> <p>19 them whether they have to report that?</p> <p>20 A. I don't see that it speaks to rental vehicles there.</p> <p>21 Q. Okay. Let's look at the mail-in update form.</p> <p>22 MS. AUKERMAN: I believe we are on Exhibit</p> <p>23 6.</p> <p>24 MARKED FOR IDENTIFICATION:</p> <p>25 DEPOSITION EXHIBIT 6</p> <p>Page 101</p>	<p>1 11:48 a.m.</p> <p>2 BY MS. AUKERMAN:</p> <p>3 Q. Do you recognize that?</p> <p>4 A. I do.</p> <p>5 Q. What is this?</p> <p>6 A. Michigan Sex Offender Registry mail-in update.</p> <p>7 Q. Let's mark this Exhibit 6. To your knowledge, is this</p> <p>8 the current version?</p> <p>9 A. I believe so.</p> <p>10 Q. And what -- how is this form used?</p> <p>11 A. This is used for the specific reporting areas for an</p> <p>12 individual to complete and mail in to their local</p> <p>13 jurisdiction having residence -- over their residence.</p> <p>14 Q. So they would mail it to the local jurisdiction that's</p> <p>15 -- that -- that's responsible for them basically?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. Do they need to sign this form each time that</p> <p>18 they mail it in?</p> <p>19 A. Yes.</p> <p>20 Q. And let's just look at -- I should have said, this is</p> <p>21 Bates 325. Let's look at the language here. This</p> <p>22 again says I have read the explanation of duties to</p> <p>23 register as a sex offender listed on pages two and</p> <p>24 three of this form and/or had them read to me and I</p> <p>25 understand my registration duties, correct?</p> <p>Page 102</p>
<p>1 A. That is what it reads, yes.</p> <p>2 Q. So each time they update information on this form they</p> <p>3 have to sign beneath that statement, correct?</p> <p>4 A. Correct.</p> <p>5 Q. Are you aware that under the statute there's some</p> <p>6 types of information that is reported and has to be</p> <p>7 reported in person, correct?</p> <p>8 A. Correct.</p> <p>9 Q. And there's some type of information that is reported</p> <p>10 in another manner as prescribed by the department,</p> <p>11 correct?</p> <p>12 A. Correct.</p> <p>13 Q. Where would one go to find information about what the</p> <p>14 manner prescribed by the department is?</p> <p>15 A. I'm not understanding the question.</p> <p>16 Q. Okay. We know there's certain things you have to</p> <p>17 report in person, correct, because the statute says</p> <p>18 you have to report them in person, right?</p> <p>19 A. Correct.</p> <p>20 Q. Okay. And then the statute says there's other things</p> <p>21 that can be reported in a manner prescribed by the</p> <p>22 department, correct?</p> <p>23 A. The statute says that, yes.</p> <p>24 Q. If I wanted to know -- if an -- if a registrant wants</p> <p>25 to know what's the manner prescribed by the</p> <p>Page 103</p>	<p>1 department, where can one find that?</p> <p>2 A. I would refer to statute, if it specifically states to</p> <p>3 report in person, then it's anything -- any other way</p> <p>4 of reporting.</p> <p>5 Q. Right, for the in-person. But if it's a manner</p> <p>6 prescribed by the department, where -- where is -- is</p> <p>7 there a rule that the MSP has about what that manner</p> <p>8 is?</p> <p>9 A. To my knowledge, that's the mail-in update.</p> <p>10 Q. Okay. Is there any other -- other than the mail-in</p> <p>11 update, is there anyplace where there's information</p> <p>12 about non-in-person reporting requirements?</p> <p>13 MR. JAMISON: Objection, lack of</p> <p>14 foundation.</p> <p>15 BY MS. AUKERMAN:</p> <p>16 Q. You can answer.</p> <p>17 A. Not that I recall.</p> <p>18 Q. Okay. Do you know who decided what the manner of</p> <p>19 reporting would be?</p> <p>20 A. I do not.</p> <p>21 Q. Okay. Do you know if there was any consideration of</p> <p>22 using, say, online reporting?</p> <p>23 A. Repeat the question.</p> <p>24 Q. So for things that you don't have to report in person,</p> <p>25 do you know if there was any consideration given to</p> <p>Page 104</p>

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<p>1 allowing registrants to report online?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Tell me about that.</p> <p>4 A. It was in the business requirements.</p> <p>5 Q. Okay. And you said that there's -- that may get added</p> <p>6 in the future as a possibility?</p> <p>7 A. Correct.</p> <p>8 Q. Okay. Do you know why the MSP went with a mail-in</p> <p>9 update other than online updating?</p> <p>10 A. I do not.</p> <p>11 Q. Who would know that?</p> <p>12 A. I don't know.</p> <p>13 Q. Do you know why the MSP went with a mail-in update</p> <p>14 rather than phone reporting?</p> <p>15 A. I do not.</p> <p>16 Q. Do you know who would know that?</p> <p>17 A. I do not.</p> <p>18 Q. Okay. Were you involved in conversations about the</p> <p>19 mail-in update?</p> <p>20 A. No.</p> <p>21 Q. Okay. Did you give any input?</p> <p>22 A. Not until later.</p> <p>23 Q. Okay. Tell me about that.</p> <p>24 A. Again, it was looking at the fields and making sure it</p> <p>25 was meeting the requirements of statute.</p> <p style="text-align: center;">Page 105</p>	<p>1 Q. Who did you give that input to?</p> <p>2 A. To my manager.</p> <p>3 Q. That would be Ms. Arritt?</p> <p>4 A. Correct.</p> <p>5 Q. Do you know if there were any formal rule that was --</p> <p>6 let me back up.</p> <p>7 Do you know if there was any public input</p> <p>8 on the type of -- or request for -- let me restate the</p> <p>9 question.</p> <p>10 Do you know if there was any request for</p> <p>11 public input on what the manner of reporting should</p> <p>12 be?</p> <p>13 A. I do not know.</p> <p>14 Q. Okay. Let's talk about computer-generated letters</p> <p>15 that get generated by the system. What kind of</p> <p>16 letters can the system generate?</p> <p>17 A. Tier letters, there's different versions of those</p> <p>18 letters; removal letters, I believe.</p> <p>19 Q. What else?</p> <p>20 A. I think that's it.</p> <p>21 Q. Okay. You said tier letters -- I'm sorry, go ahead.</p> <p>22 A. I'm sorry. That's all I can recall at the moment.</p> <p>23 Q. Okay. So tier letters, tell me about those.</p> <p>24 A. Those are just letters, where dependent on the</p> <p>25 individual's initial tier and if they're being changed</p> <p style="text-align: center;">Page 106</p>
<p>1 because something else was found in terms of wronged</p> <p>2 victim age or something to that effect, that would</p> <p>3 change their tier as prescribed by statute. Then we</p> <p>4 would send them a letter letting them know, the</p> <p>5 registrant, that is.</p> <p>6 Q. This would be like a Michigan registrant who is a tier</p> <p>7 I and you discover something that makes the person a</p> <p>8 tier III, you would send them a letter saying you're</p> <p>9 now a tier III?</p> <p>10 A. A tier II or tier III, correct.</p> <p>11 Q. Okay.</p> <p>12 MS. AUKERMAN: I don't believe we have</p> <p>13 copies of those, so we'll need to get those as well.</p> <p>14 BY MS. AUKERMAN:</p> <p>15 Q. The -- what about an out of state -- actually, let me</p> <p>16 back up.</p> <p>17 If someone is a new registrant, do they get</p> <p>18 an initial letter of some kind?</p> <p>19 A. No.</p> <p>20 Q. There's nothing sent to them saying you're a tier III</p> <p>21 or you're a tier I, anything like that?</p> <p>22 A. That's what their verification -- their registration</p> <p>23 verification update form identifies them with.</p> <p>24 Q. Okay. So the way they're informed what tier they are</p> <p>25 is on the form?</p> <p style="text-align: center;">Page 107</p>	<p>1 A. Their initial registration.</p> <p>2 Q. Okay. What about an out-of-state registrant who moves</p> <p>3 to Michigan? Do they get a letter?</p> <p>4 A. They get the same form, which identifies their --</p> <p>5 their tier.</p> <p>6 Q. So they don't get a letter telling them you're tier</p> <p>7 III or tier I or whatever?</p> <p>8 A. The form tells them what tier they are.</p> <p>9 Q. I thought in the -- I saw something in the records</p> <p>10 something about -- it was called a tier letter OOS</p> <p>11 conviction, what is that?</p> <p>12 A. Out-of-state conviction.</p> <p>13 Q. Yeah. What's the tier letter OOS conviction?</p> <p>14 A. I'd have to look at the form. I don't recall at the</p> <p>15 moment.</p> <p>16 Q. We want to --</p> <p>17 A. I'm sorry, I'd have to look at the letter to see what</p> <p>18 that is. I don't recall off the top of my head.</p> <p>19 Q. All right. How we doing for time? I'm happy to keep</p> <p>20 going.</p> <p>21 A. I'd like to take a break now.</p> <p>22 (Off the record 11:59 a.m.)</p> <p>23 (Back on the record at 12:31 p.m.)</p> <p>24 BY MS. AUKERMAN:</p> <p>25 Q. I wanted to just start by circling back a little bit</p> <p style="text-align: center;">Page 108</p>

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<p>1 to what we were talking about earlier with -- we</p> <p>2 talked about the contract and the various things that</p> <p>3 were in the contract specifications but that the</p> <p>4 system isn't doing right now. And I wanted to just</p> <p>5 understand a little bit better about that.</p> <p>6 Are those things that are -- were built</p> <p>7 into the system and just like not turned on?</p> <p>8 MR. JAMISON: Objection, lack of</p> <p>9 foundation.</p> <p>10 A. What?</p> <p>11 BY MS. AUKERMAN:</p> <p>12 Q. So let's take, for example, the automated fee</p> <p>13 violation, right?</p> <p>14 A. Okay.</p> <p>15 Q. I believe you testified that that automated fee</p> <p>16 violation is not currently active?</p> <p>17 A. Correct.</p> <p>18 Q. Okay.</p> <p>19 A. It is not automated, correct.</p> <p>20 Q. So my question is, is that something that you -- like</p> <p>21 can just turn on in the system and someone made the</p> <p>22 decision not to make it -- not to turn it on?</p> <p>23 A. Yes.</p> <p>24 Q. Who made that decision?</p> <p>25 A. That was from our manager, Liz Arritt, I'm sorry,</p> <p style="text-align: center;">Page 109</p>	<p>1 Elizabeth Arritt.</p> <p>2 Q. Do you know if she made that decision on her own?</p> <p>3 A. I do not.</p> <p>4 Q. Do you know why she decided not to turn the fee</p> <p>5 violation -- automated fee violations on?</p> <p>6 A. Not for certain, no.</p> <p>7 Q. Okay. Do you know -- of the things that -- we talked</p> <p>8 about a variety of different things that are not in --</p> <p>9 currently active in the system but are specified in</p> <p>10 the contract, right?</p> <p>11 A. Uh-huh.</p> <p>12 Q. Do you know of those things, are there any that just</p> <p>13 weren't built into the system?</p> <p>14 MR. JAMISON: Objection, vague.</p> <p>15 BY MS. AUKERMAN:</p> <p>16 Q. You can answer if you know.</p> <p>17 A. I would need you to be more specific.</p> <p>18 Q. Okay. So I don't have the transcript here in front of</p> <p>19 me obviously, but going back to like -- I believe you</p> <p>20 said, for example, that there are not popup warnings</p> <p>21 for new tips, correct?</p> <p>22 A. Correct.</p> <p>23 Q. Is that something the system is capable of doing?</p> <p>24 A. That's not built in.</p> <p>25 Q. It's not even possible? It's not like you could turn</p> <p style="text-align: center;">Page 110</p>
<p>1 a switch and make it do that?</p> <p>2 A. No, correct.</p> <p>3 Q. And even though the contract said we want to have a</p> <p>4 system with popup warnings for new tips, the system</p> <p>5 wasn't built that way?</p> <p>6 A. Correct.</p> <p>7 MR. JAMISON: Objection, lack of</p> <p>8 foundation.</p> <p>9 BY MS. AUKERMAN:</p> <p>10 Q. But for the automated fee violations, the system was</p> <p>11 built that way, but you -- it just wasn't turned on?</p> <p>12 A. For fees, correct.</p> <p>13 Q. Okay. Who made the decision that certain things that</p> <p>14 were required in the contract wouldn't be built into</p> <p>15 the system?</p> <p>16 A. I guess I need you to be more specific.</p> <p>17 Q. So if the contract said we want to have popup warnings</p> <p>18 from the new tips and you're telling me that the</p> <p>19 system can't, it's just not built to do that, who</p> <p>20 decided not to build in that functionality?</p> <p>21 A. Specific to fees, I believe that was communication</p> <p>22 with the manager at the time, the vendor, and command.</p> <p>23 Q. We were talking actually about the popup warnings, but</p> <p>24 would that also be a decision between the command,</p> <p>25 manager, and the vendor?</p> <p style="text-align: center;">Page 111</p>	<p>1 A. I'm sorry, I meant -- did I say fees or something?</p> <p>2 Q. Yeah.</p> <p>3 A. I meant tips.</p> <p>4 Q. Okay.</p> <p>5 A. I apologize. That doesn't apply to fees. I'm talking</p> <p>6 about tips.</p> <p>7 Q. You're saying that a decision to do -- not to build in</p> <p>8 functionality that was required in the contract, that</p> <p>9 would have been a decision that was made by command,</p> <p>10 the SOR unit manager, and the vendor together?</p> <p>11 A. Specific to tips.</p> <p>12 Q. Specific to tips. What about in other changes to what</p> <p>13 the contract requires?</p> <p>14 A. You'd have to be more specific.</p> <p>15 Q. Okay. For example, the contract requires an interface</p> <p>16 with the Secretary of State for vehicle information,</p> <p>17 is that something that the system has the</p> <p>18 functionality to do?</p> <p>19 A. So that one -- that area we discussed, that -- that</p> <p>20 might be something coming in later on, I don't.</p> <p>21 Q. So I guess what I'm asking, right, is when you say</p> <p>22 it's something that might come later on, is that</p> <p>23 because they still have to build it? Or is it built</p> <p>24 in the system and not turned on?</p> <p>25 MR. JAMISON: Objection, that's vague.</p> <p style="text-align: center;">Page 112</p>

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<p>1 BY MS. AUKERMAN: 2 Q. Was this system built with the capacity to do an 3 interface for vehicle records with the Secretary of 4 State? 5 MR. JAMISON: Objection, vague and lack of 6 foundation. 7 BY MS. AUKERMAN: 8 Q. You can answer. 9 A. Can you say that one more time. 10 Q. Was the MSOR -- the MSOR contract requires the system 11 to have an interface with the Secretary of State for 12 vehicle records, correct? 13 A. It was in the contract. 14 Q. So was the system built to be able to do that? 15 A. Not currently. 16 Q. So you couldn't just turn on that feature? 17 A. No. 18 Q. Okay. Who made the decision to build the system 19 without that capacity? 20 A. I don't know that that's -- I don't know. 21 Q. Do you know if the contract was amended? 22 A. No. 23 Q. You don't know? Or it wasn't amended? 24 A. It wasn't amended for that, no. I don't know what -- 25 I don't know what you mean by amended.</p> <p style="text-align: center;">Page 113</p>	<p>1 Q. Were there changes made to the terms of the contract? 2 A. We did have a change order. 3 MS. AUKERMAN: Again, I don't believe we've 4 seen that. So we need to see that. It would be 5 responsive to our requests. 6 BY MS. AUKERMAN: 7 Q. So what was in the change order? 8 A. We needed functionality that wasn't present. We 9 needed essential functionality that wasn't present in 10 the contract, it was overlooked. 11 Q. What was that? 12 A. The communication and response -- being responsive to 13 NCIC for queries. 14 Q. So there was an interface with NCIC? 15 A. I don't know that it's called an interface. 16 Q. Well, can you describe what -- what was the 17 functionality that was added as a result of this 18 change order? 19 A. We needed it to respond to NCIC when the queries came 20 through from searches that were conducted in NCIC. We 21 weren't sending anything back. We were getting them, 22 we just weren't responding. 23 Q. So if there was a search by users in NCIC -- and can 24 you tell us for the record what NCIC is. 25 A. That's an acronym that I use all the time, and I'm --</p> <p style="text-align: center;">Page 114</p>
<p>1 it is the national information for criminal -- 2 national criminal information -- I'm sorry, I don't 3 recall right now. 4 Q. That's fine. That's fine. But what you were saying, 5 if one searched NCIC to get information from MSOR, 6 MSOR wasn't responding? 7 A. Correct. 8 Q. And so, you had a change order so that MSOR would 9 respond to NCIC queries? 10 A. Correct. 11 Q. Was there anything else in that change order? 12 A. SORNA messages, responding to SORNA messages. 13 Q. Can you explain that. 14 A. It's similar, just a different system. It's the 15 federal system. The queries were coming in, we just 16 weren't being responsive in the manner they needed. 17 Q. Okay. So the change order also required functionality 18 around SORNA messages? 19 A. Correct. 20 Q. What else was in the change order? 21 A. That's all that I recall. 22 Q. The change order didn't say we don't need vehicle 23 information from SOS? 24 A. No. 25 Q. Okay. Who made the decision that certain parts of the</p> <p style="text-align: center;">Page 115</p>	<p>1 contract wouldn't need to be fulfilled? 2 MR. JAMISON: Objection, vague. 3 BY MS. AUKERMAN: 4 Q. You can answer. 5 A. I don't know. 6 Q. Okay. Were there -- earlier you testified with 7 respect to tips, that it was -- the command, the unit 8 manager, and the vendor that decided that there 9 wouldn't be tip popups, correct? 10 A. Correct. 11 Q. Who in command? 12 A. I believe at the time that was First Lieutenant Renz. 13 Q. What are his job responsibilities, do you know? 14 A. He's the section manager. He oversees a few units. 15 Q. Are there communications -- are the communications 16 with the vendor about the contract in writing? 17 MR. JAMISON: Objection, lack of 18 foundation. 19 BY MS. AUKERMAN: 20 Q. If you know. 21 A. Can you clarify. 22 Q. So when you -- when there are communications with the 23 vendor about compliance with the contract, who -- who 24 communicates with the vendor? 25 A. The manager does.</p> <p style="text-align: center;">Page 116</p>

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<p>1 Q. So that would have been you while you were in the 2 unit? 3 A. If that change was during the time that I was there. 4 But many of what you're referring to was before me 5 being the manager. 6 Q. When was that change order? 7 A. 2022, maybe 2021, I don't know, 2022. 8 Q. While you were there? 9 A. Yes. 10 Q. Do you know if there were change orders that happened 11 before you arrived? 12 A. No. 13 Q. Who would know that? 14 A. I mean there were no change orders before that. 15 Q. You know that there were no change orders? 16 A. I know that there were no change orders before that. 17 Q. Do you know if there have been change orders since you 18 left? 19 A. I was working on another one, yes. 20 Q. What was that one? 21 A. To hire another programmer. 22 Q. What would that programmer do? 23 A. Help complete implementation. 24 Q. So this would be the vendor would hire another 25 programmer?</p> <p style="text-align: center;">Page 117</p>	<p>1 A. Correct. 2 Q. Do you know if that has -- that change order has gone 3 through? 4 A. I'm not sure. I do not know. 5 Q. Do you know what the budget for that was? 6 A. I believe -- I don't recall at the moment. 7 Q. Okay. On the organizational chart -- let's go back to 8 that. So I believe -- I think this was exhibit -- 9 might have been two. I can't remember. 10 This is the Criminal Justice Information 11 Center chart. Where is Lieutenant Renz on this? I'm 12 sorry, this is Exhibit 1. 13 A. He would be under the incident section. 14 Q. Okay. Who else is in the incident section? 15 A. I do not have that memorized. 16 Q. So you reported to Lieutenant Renz? 17 A. I did not. 18 Q. Who did you report to? 19 A. I reported to the assistant division director Shawn 20 Sible. I did for a short time, but I report now. 21 Q. So in fact you were a direct report to Shawn Sible? 22 A. I was a report to First Lieutenant Renz for a short 23 time. Then I reported to assistant director Shawn 24 Sible. 25 Q. Was assistant director Sible involved in policy</p> <p style="text-align: center;">Page 118</p>
<p>1 divisions around SOR, if you know? 2 A. I do not know. 3 Q. Were any of the other individuals listed in that top 4 box -- Criminal Justice Information Center box -- were 5 any of those individuals involved in SOR? 6 MR. JAMISON: Objection, vague, lack of 7 foundation. 8 BY MS. AUKERMAN: 9 Q. You can answer. 10 A. Can you clarify. Involved in -- 11 Q. So -- so you said that you reported to Mr. Sible. Did 12 you have interactions -- professional interactions 13 regarding the registry with any of the other 14 individuals listed in that box? 15 A. Well, as Michelle Kleckler is my director, I did -- we 16 do all have reporting to her and giving her updates. 17 Ashley Alvarado is the admin and so, therefore, 18 regular mailings and stuff would go through her to be 19 mailed out. 20 Q. Let's talk about the SMART office and your 21 relationship with sort of the federal -- the SOR unit 22 with the federal SMART office. 23 Can you tell me what -- what kind of 24 communications -- describe -- describe kind of that 25 interaction between the SOR unit and the SMART office.</p> <p style="text-align: center;">Page 119</p>	<p>1 A. So the SMART office is where our grants go through, so 2 we work with them for grants. In a different area, 3 there is audit. So we would go through our audits 4 with them. 5 And in a different area there was our point 6 of contact for if we -- if there was a change at the 7 federal level, they might make us -- they might -- I'm 8 sorry -- they would make us aware of those changes and 9 what they needed from us. And we had assurance 10 letters that we had to complete with them. 11 Q. Okay. So let's go through each of those topics. Is 12 there anything else -- any -- what else -- in what 13 other ways do you interact with the SMART office? 14 A. That's all that I can think of at this time. 15 Q. What about interstate registration issues? Does that 16 go through the SMART office? 17 A. Not typically, no. 18 Q. Or enforcement issues? 19 A. No. 20 Q. Okay. So going to grants, who -- who is involved in 21 grants with the SMART office? 22 A. Through my different roles, I've kind of kept that 23 main responsibility. 24 Q. And on the SMART office side, who is -- 25 A. Kashan Arnold.</p> <p style="text-align: center;">Page 120</p>

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<p>1 Q. And tell me what is involved. What are these grants 2 for? 3 A. To enhance and improve the monitoring and tracking of 4 sex offenders. 5 Q. What are the grant amounts typically? 6 A. They can have up to four hundred thousand. 7 Q. Do you know what size grants the unit has -- the 8 Michigan SOR unit has received in the last two years? 9 A. All have been varied. 10 Q. Okay. So how much for the first one? 11 A. I can't say for sure. 12 Q. Okay. Can you give me an estimate? 13 A. About three hundred and ninety thousand. 14 Q. And when was that received? 15 A. That's an estimate. And I don't know which -- for 16 which year that was. 17 Q. Have there been other grants in that time that you've 18 been there? 19 A. Yes. They're every year or -- 20 Q. Just -- 21 A. Excuse me, they're every year, but they run for two 22 years, three years now. 23 Q. I'm not sure I'm understanding that. You're saying 24 every year one gets a grant? 25 A. Every year we can apply for a grant. They used to run</p> <p style="text-align: center;">Page 121</p>	<p>1 for two years. Now they run for three years, for a 2 coverage of three years. 3 Q. So if you got a grant for three years, you would then 4 apply three years later, not the next year? 5 A. You applied over the course of three years. You were 6 responsible for saying how and when the money will be 7 spent. 8 Q. Right. But I would get that money for three years and 9 towards the end of that three-year period would be the 10 next time you would apply? 11 A. Not necessarily. 12 Q. Can you explain that. 13 A. Because if I spent the money -- if I'm allotted to 14 spend a certain amount of money in the first year that 15 I got that grant, I got another grant, I'm asking for 16 the same thing. I already spent it in the first year, 17 now I can apply the second year -- the next year's 18 grant towards it. Because I already spent what I 19 needed out of the first one. So they're running 20 consecutively. Sometimes they're running 21 consecutively. 22 Q. Do you mean consecutively or concurrently? 23 A. You're right, concurrently. 24 Q. So the grants are running concurrently. Okay. 25 You said the money was for monitoring --</p> <p style="text-align: center;">Page 122</p>
<p>1 monitoring and tracking, I think, of sex offenders. 2 What specifically is the money for? 3 A. Improving, enhancing the monitoring and tracking, 4 apprehension of sex offenders. That's what the SMART 5 office stands for. 6 Q. You -- go ahead. 7 A. I was trying to think of the acronym. 8 Q. So when you put together a budget, though, you have to 9 say what you're going to do with the money, what are 10 you asking for money for? 11 A. Correct. In the past it's been for enforcement 12 sweeps. 13 Q. Tell me about that. 14 A. Enforcement sweeps are -- I would have to have some 15 notes to speak to that. That's not my -- I just know 16 they're enforcement sweeps. I don't know what 17 power -- specifically I'm not a part of doing that 18 sweep or what they do or how they come up with their 19 plans. 20 Q. Okay. Do you know who does those sweeps? 21 A. SOR enforcement. 22 Q. At the Michigan State Police? 23 A. Correct. 24 Q. Okay. 25 A. And it would be also signature pads. In the past it's</p> <p style="text-align: center;">Page 123</p>	<p>1 been educational tools or -- for supplies. 2 Q. What do you mean by educational tools? 3 A. If we were putting on training and we wanted to create 4 manuals or anything that we needed to print as tools 5 to give to them, we would -- 6 Q. Like trainings for law enforcement you mean? 7 A. Yes. 8 Q. I want to go back to the sweeps. You said they're 9 done by MSP enforcement? 10 A. Correct. 11 Q. Do these grants ever involve sub-granting to local law 12 enforcement? 13 A. Not ours. 14 Q. Let's take a look at -- I'm going to show you another 15 exhibit. Do you recognize this email? 16 A. Yes. 17 Q. Okay. 18 MS. AUKERMAN: Let's mark this Exhibit 7. 19 MARKED FOR IDENTIFICATION: 20 DEPOSITION EXHIBIT 7 21 12:56 p.m. 22 BY MS. AUKERMAN: 23 Q. Can you tell me what this -- it's indicated here that 24 you are seeking funding -- this relates to -- appears 25 to relate to a grant question, is that correct?</p> <p style="text-align: center;">Page 124</p>

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<p>1 A. Correct.</p> <p>2 Q. And you indicate that you have a question, correct?</p> <p>3 A. Correct.</p> <p>4 Q. What was your question?</p> <p>5 A. It was actually enforcement's question, but they have</p> <p>6 to go through me since I'm the point of contact.</p> <p>7 Q. What was that question?</p> <p>8 A. Having to do with the sweep initiatives.</p> <p>9 Q. Can you be more specific?</p> <p>10 A. I don't recall the rest of the content.</p> <p>11 Q. Do you know why this information was redacted?</p> <p>12 A. I do not.</p> <p>13 MS. AUKERMAN: We'll ask for an unredacted</p> <p>14 copy of that.</p> <p>15 BY MS. AUKERMAN:</p> <p>16 Q. So you were seeking funding here for sweeps?</p> <p>17 A. I was not seeking funding, no.</p> <p>18 Q. No?</p> <p>19 A. No.</p> <p>20 Q. What was the purpose of this email?</p> <p>21 A. It was about something having to do -- I can see it's</p> <p>22 something that has to be with the sweep initiative</p> <p>23 schedule. So it most likely had to do with something</p> <p>24 we already had awarded to us.</p> <p>25 Q. So you had some kind of funding for sweeps and you had</p> <p style="text-align: center;">Page 125</p>	<p>1 a question about what you could -- something related</p> <p>2 to that funding?</p> <p>3 A. To the scheduling and how it was executed.</p> <p>4 Q. Okay. Okay. And you indicated here they've always</p> <p>5 been in large groups, what does that mean?</p> <p>6 A. Typically a sweep is comprised of sixteen troopers and</p> <p>7 so many analysts.</p> <p>8 Q. What are their roles -- what are the roles of the</p> <p>9 troopers?</p> <p>10 A. I don't participate, I don't know.</p> <p>11 Q. Do you know what the roles of the analysts are?</p> <p>12 A. To support it, to support for information, updating of</p> <p>13 records.</p> <p>14 Q. Those would be analysts in the SOR unit?</p> <p>15 A. Correct.</p> <p>16 Q. Okay.</p> <p>17 MS. AUKERMAN: Let's look at another</p> <p>18 document here. Let's mark it Exhibit 8.</p> <p>19 MARKED FOR IDENTIFICATION:</p> <p>20 DEPOSITION EXHIBIT 8</p> <p>21 1:00 p.m.</p> <p>22 MR. JAMISON: What was the Bates number for</p> <p>23 Exhibit 7?</p> <p>24 MS. AUKERMAN: I have -- I'll have to go</p> <p>25 back and give it to you later. I don't have it pulled</p> <p style="text-align: center;">Page 126</p>
<p>1 up anymore.</p> <p>2 BY MS. AUKERMAN:</p> <p>3 Q. So you can see this -- this is an -- appears to be an</p> <p>4 email from April 22nd between you and the SMART</p> <p>5 office, correct?</p> <p>6 A. Correct.</p> <p>7 Q. Okay. Let's mark this Exhibit 8. I'm going to scroll</p> <p>8 down here. So this is now on Bates 1363. Okay. This</p> <p>9 looks like a grant application that you attached,</p> <p>10 correct?</p> <p>11 A. Budget detail.</p> <p>12 Q. Yeah. Okay. So it appears here that the funding that</p> <p>13 you were requesting was for a three-year initiative,</p> <p>14 sixteen troopers and a SOR enforcement coordinator,</p> <p>15 correct?</p> <p>16 A. Correct.</p> <p>17 Q. And four phases that include planning, record audits,</p> <p>18 residence checks, report writing, meaning, getting</p> <p>19 warrants and arrest sweeps, correct?</p> <p>20 A. That's what it says, correct.</p> <p>21 Q. Was this grant -- did you get this grant?</p> <p>22 A. What year is this?</p> <p>23 Q. It was attached to an email in 2022.</p> <p>24 A. So that's from '21.</p> <p>25 Q. I was confused because it said -- on the budget detail</p> <p style="text-align: center;">Page 127</p>	<p>1 it says expires 11/30/2020.</p> <p>2 A. That's -- those are -- that's the first page of the</p> <p>3 Excel spreadsheet, I'm guessing, and it gives you</p> <p>4 examples. It says budget detail worksheet.</p> <p>5 MR. JAMISON: Is there a question there?</p> <p>6 BY MS. AUKERMAN:</p> <p>7 Q. I'm trying to understand the -- what the data -- the</p> <p>8 date of this grant application is?</p> <p>9 A. It's at the top, it says '21. If you go to the top of</p> <p>10 the email, subject 2021 budget detail.</p> <p>11 Q. This is a 2021 grant?</p> <p>12 A. Budget detail from the grant.</p> <p>13 Q. Okay. And was that -- is that a grant that the unit</p> <p>14 got?</p> <p>15 A. We were approved.</p> <p>16 Q. To do those sweeps?</p> <p>17 A. We weren't approved until 2022.</p> <p>18 Q. So it's approved in 2022 and the money that was</p> <p>19 provided included the request -- the enforcement</p> <p>20 money, correct?</p> <p>21 A. Correct.</p> <p>22 Q. Okay. Has the -- has the SMART office ever cut off</p> <p>23 funding to Michigan that you're aware of?</p> <p>24 A. We had our grant ability to spend suspended.</p> <p>25 Q. Why was that?</p> <p style="text-align: center;">Page 128</p>

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<p>1 A. Progress report wasn't submitted for a review period 2 for the grant. 3 Q. Okay. To your knowledge, has the SMART office ever 4 declined to provide funding based on the ways in which 5 Michigan's statute is not in substantial compliance 6 with SMART? 7 A. I'm sorry, I'm not sure I understand the question. 8 Q. Okay. So after the Doe's 1 and Doe's 2 decision, 9 there were certain changes that were made, correct? 10 A. Changes? 11 Q. To the way the registry was implemented. 12 A. Yes. 13 Q. Okay. Has the SMART office cut off funding in 14 response to any of those changes? 15 A. No. 16 Q. I've seen some references in the documents to the 17 SORNA exchange portal. Can you explain to me what 18 that is. 19 A. The SORNA exchange portal is the method for which 20 federal statute requires the communication between 21 jurisdictions on the movement of registrants. And 22 that is the portal that those communications are 23 shared for those who participate. 24 Q. How does that work in practice? What does that look 25 like?</p> <p style="text-align: center;">Page 129</p>	<p>1 A. We get that information by notification, by email, 2 that we have a SORNA message. We log into SORNA and 3 we review our message from other states. And those 4 are typically for those registrants that are moving to 5 our state. 6 Q. Would you put a message in the portal if a Michigan 7 registrant were moving out of state? 8 A. We wouldn't put it through the portal, per se, 9 manually. It happens automatically. That was that 10 interface we were referring to earlier. 11 Q. I see. 12 A. We make a change in the system that says out of state, 13 it automatically sends it for us. 14 Q. So if a user in Grand Rapids, if a registrant comes in 15 and says hey, I'm moving to Ohio, and the law 16 enforcement user enters that, it would automatically 17 notify -- the system would automatically notify Ohio 18 that someone is moving to Ohio? 19 A. Not at that time, no. 20 Q. How does that work then? 21 A. It has to be reviewed by someone here in our unit. 22 And then once confirmed, then the notification would 23 go. 24 Q. So just making sure I understand this. A registrant 25 comes in, says I'm moving to Ohio, I'm moving to</p> <p style="text-align: center;">Page 130</p>
<p>1 Cleveland, the user puts that in, you somehow get 2 notified about that? You're going to get notified of 3 that? 4 A. Yes, somehow. 5 Q. How is the somehow? 6 A. We get -- remember the statuses we were referring to 7 earlier. 8 Q. Yeah. 9 A. The system flips it to out of state and puts it in an 10 out-of-state inbox, for which we manage and go through 11 regularly. 12 Q. So then you have an analyst or somebody in your unit 13 looks at the out-of-state inbox, confirms that this 14 person is moving to Ohio and that? 15 A. Triggers. 16 Q. When you say triggers, what does it do? 17 A. Triggers the communication to SORNA automatically. 18 Q. So the Ohio registry would get notified this person is 19 moving to Ohio? 20 A. The Ohio registry, yes, if they're a participant. 21 Q. Do you know how many states participate in the portal? 22 A. I do not. 23 Q. Okay. If someone is moving into Michigan, how does 24 that communication work in practice? 25 A. It comes through the SORNA portal.</p> <p style="text-align: center;">Page 131</p>	<p>1 Q. Does that go to like an inbox? How does that -- can 2 you explain it to me. 3 A. It comes in through -- as a notification. And then we 4 have someone here that verifies that the person showed 5 up. 6 Q. So does it come as a notification in the exchange 7 portal? Or in the MSOR database? 8 A. In the SORNA portal. 9 Q. So there's someone who's responsible for checking the 10 portal? 11 A. They're all responsible for checking the portal. 12 Q. Okay. 13 A. We all have access to it. 14 Q. How many notifications do you get a month in the 15 portal? 16 A. I cannot say, I don't know. 17 Q. Five? A hundred? A thousand? 18 A. I don't know. 19 Q. Any -- is it closer to five than a hundred? 20 A. I don't know. 21 MR. JAMISON: Objection, she's asked and 22 answered the question. 23 BY MS. AUKERMAN: 24 Q. Okay. So you don't -- you don't have any sense of how 25 many out-of-state registrants move into Michigan in a</p> <p style="text-align: center;">Page 132</p>

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<p>1 month?</p> <p>2 A. I do not.</p> <p>3 Q. Okay. What happens if someone moves to Michigan? You</p> <p>4 get a notification that a person has moved from Ohio</p> <p>5 to Michigan through the SORNA exchange portal and</p> <p>6 somebody in your unit checks the notifications, what</p> <p>7 happens next?</p> <p>8 A. They verify the person has come to Michigan. If they</p> <p>9 --</p> <p>10 Q. What do you mean?</p> <p>11 A. Checked in, so to speak.</p> <p>12 Q. What do you mean they verify?</p> <p>13 A. In MSOR.</p> <p>14 Q. So they would look at MSOR to see has this person</p> <p>15 shown in Grand Rapids, say?</p> <p>16 A. Correct.</p> <p>17 Q. What if the person hasn't checked in, then what?</p> <p>18 A. Nothing.</p> <p>19 Q. Nothing happens?</p> <p>20 A. No.</p> <p>21 Q. There's no further communication through the portal?</p> <p>22 A. Not at that time.</p> <p>23 Q. Is there at a later time?</p> <p>24 A. Yes.</p> <p>25 Q. When is that?</p> <p style="text-align: center;">Page 133</p>	<p>1 A. This is outlined in procedure. After ten business</p> <p>2 days, if the individual hasn't shown up, that we</p> <p>3 notify the other entity that they haven't shown up. A</p> <p>4 communication is then shared with U.S. Marshals.</p> <p>5 Q. Is there any communication with the local jurisdiction</p> <p>6 where the person has said they were going to go?</p> <p>7 A. They don't usually say for the jurisdiction where they</p> <p>8 are going to go.</p> <p>9 Q. Okay. You mentioned -- you mentioned audits that are</p> <p>10 done by the SMART office. Can you tell me about</p> <p>11 those.</p> <p>12 A. The audits are if we were meeting the appropriate</p> <p>13 reporting requirements in terms of what we're sharing</p> <p>14 with them and through NCIC. Those are established</p> <p>15 through the SMART office, those requirements, NSOR is</p> <p>16 what we refer to it as.</p> <p>17 Q. How often are those done?</p> <p>18 A. Once every three years, I believe it is.</p> <p>19 Q. When was the most recent one?</p> <p>20 A. I can't remember off the top of my head, but I know we</p> <p>21 provided that.</p> <p>22 Q. I don't -- yeah, maybe. When is the next substantial</p> <p>23 -- is this the same thing as the substantial</p> <p>24 compliance report?</p> <p>25 A. I'm sorry, say -- I'm -- I totally missed that.</p> <p style="text-align: center;">Page 134</p>
<p>1 Q. Is the audit the same thing as the substantial</p> <p>2 compliance report?</p> <p>3 A. Yes. They're together, yes. I also refer to that as</p> <p>4 the assurance letter.</p> <p>5 Q. The assurance letter. Okay. Do you know when the</p> <p>6 next one of those is due?</p> <p>7 A. I do not, not off the top of my head, no.</p> <p>8 Q. Okay. And then you mentioned that there's a point of</p> <p>9 contact regarding changes at the federal level. Can</p> <p>10 you explain what you mean by that?</p> <p>11 A. The only example I have is when SMART office</p> <p>12 determined that they wanted to improve and enforce the</p> <p>13 twenty-one-day notice, the travel notice out of</p> <p>14 country. And they wanted our communication, our --</p> <p>15 either communications or statutes or requirements to</p> <p>16 change and support their objective.</p> <p>17 Q. Can you explain that more.</p> <p>18 A. They wanted to push -- they wanted to make sure that</p> <p>19 the applicants were aware they had an obligation to</p> <p>20 report out of country twenty-one days in advance. And</p> <p>21 they wanted each state to have something, whether in</p> <p>22 statute or requirement, to ensure that the individual</p> <p>23 knew that you had to do that.</p> <p>24 Q. So what changes did that result in in Michigan?</p> <p>25 A. We put it on our form.</p> <p style="text-align: center;">Page 135</p>	<p>1 Q. What happens if a registrant doesn't report twenty-one</p> <p>2 days in advance of travels internationally?</p> <p>3 A. We wouldn't really know if they didn't, honestly.</p> <p>4 Q. What do you mean?</p> <p>5 A. How do we know that they didn't, I wouldn't -- we</p> <p>6 don't know that they don't.</p> <p>7 Q. So let's say they report ten days in advance, like</p> <p>8 they just didn't know, family member gets sick in</p> <p>9 England. They got to go. They -- they're leaving in</p> <p>10 ten days and it's not twenty-one days. What happens?</p> <p>11 MR. JAMISON: Objection, vague.</p> <p>12 BY MS. AUKERMAN:</p> <p>13 Q. You can answer.</p> <p>14 A. I don't know. To my knowledge, nothing that we do.</p> <p>15 Q. Let's talk a little bit about SORNA. Are you familiar</p> <p>16 with SORNA?</p> <p>17 A. To some capacity, yes.</p> <p>18 Q. That's the federal Sex Offender Registration</p> <p>19 Notification Act?</p> <p>20 A. Correct.</p> <p>21 Q. Is it your understanding that if someone who's</p> <p>22 required to register moves interstate, that SORNA</p> <p>23 would apply to them?</p> <p>24 A. SORNA does apply to them, yes.</p> <p>25 Q. How do they -- so SORNA requires them to register if</p> <p style="text-align: center;">Page 136</p>

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<p>1 they move interstate, correct?</p> <p>2 A. Yes.</p> <p>3 Q. How do they fulfill that registration obligation?</p> <p>4 A. In our state, we have state statute to support that</p> <p>5 registration requirement.</p> <p>6 Q. So they have to register under the state registration</p> <p>7 system, correct?</p> <p>8 A. Correct.</p> <p>9 Q. There's not like a federal registry that they can</p> <p>10 register in?</p> <p>11 A. Not to my knowledge, no.</p> <p>12 Q. Okay. I saw some references to the NSOR database,</p> <p>13 what is that?</p> <p>14 A. I'm sorry, I need more content.</p> <p>15 Q. I've seen some references in the documents to a</p> <p>16 National Sex Offender Registry database. Are you</p> <p>17 familiar with what that is?</p> <p>18 A. Can you expand more? Was there more with that? It's</p> <p>19 not bringing anything to my recall.</p> <p>20 Q. Okay. I'll maybe on a break see if I can find a</p> <p>21 document.</p> <p>22 A. Okay.</p> <p>23 Q. So if somebody is removed from the registry in</p> <p>24 Michigan, maybe there's a court order that they get</p> <p>25 removed, do you communicate that in any way to the</p> <p style="text-align: center;">Page 137</p>	<p>1 federal government?</p> <p>2 A. No, not to my knowledge.</p> <p>3 Q. Would they be removed from the national registry?</p> <p>4 A. Yes.</p> <p>5 Q. How does that happen?</p> <p>6 A. It's automatic, behind the scenes.</p> <p>7 Q. So let's take after the 2020 law changes, there were</p> <p>8 individuals who were under the Holmes Youthful Trainee</p> <p>9 Act. Are you familiar with the Holmes Youthful</p> <p>10 Trainee Act?</p> <p>11 A. Yes.</p> <p>12 Q. And some of those individuals came off the registry</p> <p>13 after the 2021 law changes, correct?</p> <p>14 A. I wasn't a participant, so.</p> <p>15 Q. You weren't personally involved in removing</p> <p>16 individuals?</p> <p>17 A. Correct. I know something happened, I just don't know</p> <p>18 the reason or the details around it.</p> <p>19 Q. Okay. Sure. Are you -- did you -- but you're aware</p> <p>20 that there were people that were removed as a result</p> <p>21 of the 2021 law changes around HYTA?</p> <p>22 A. I know that there were people removed regarding HYTA.</p> <p>23 Q. Okay. Would those individuals then also come off the</p> <p>24 federal registry?</p> <p>25 A. They would come -- they -- if they come off our</p> <p style="text-align: center;">Page 138</p>
<p>1 registry, they come off the public's -- National</p> <p>2 Public Sex Offender Registry.</p> <p>3 Q. Okay. Let's say that that person still has -- a</p> <p>4 person who's under the Holmes Youthful Trainee Act</p> <p>5 still has an obligation to register under federal law,</p> <p>6 how would the person do that?</p> <p>7 A. I don't know.</p> <p>8 MR. JAMISON: Objection, lack of</p> <p>9 foundation.</p> <p>10 BY MS. AUKERMAN:</p> <p>11 Q. So you don't know how a person could register if</p> <p>12 they're not on the federal registry -- excuse me.</p> <p>13 If someone is removed from Michigan's</p> <p>14 registry, you're not aware of a way for them to</p> <p>15 register, correct?</p> <p>16 A. Correct.</p> <p>17 Q. What about -- let's talk about the pre-2011</p> <p>18 registrants for a second. So one of the changes that</p> <p>19 was made in March of 2021 was that the pre-2011</p> <p>20 registrants don't have to report internet identifiers,</p> <p>21 is that correct?</p> <p>22 A. Correct.</p> <p>23 Q. So if a person were required to report that under</p> <p>24 federal law, how could they report that?</p> <p>25 A. I don't know.</p> <p style="text-align: center;">Page 139</p>	<p>1 Q. Let's talk about out-of-state offenses, which is kind</p> <p>2 of confusing, at least to me. I'm hoping you can help</p> <p>3 me understand it. Can you explain how you determine</p> <p>4 the registration requirements for people with</p> <p>5 out-of-state offenses?</p> <p>6 A. If it's an out-of-state offense that we've encountered</p> <p>7 before, legal has already provided guidance on what</p> <p>8 the tier should be, they're already in our system. If</p> <p>9 it's something we haven't encountered before, we pass</p> <p>10 that through legal for a case by case review.</p> <p>11 Q. Okay.</p> <p>12 MS. AUKERMAN: So let's take a look at an</p> <p>13 exhibit here. This is Bates 723, Exhibit 9.</p> <p>14 MARKED FOR IDENTIFICATION:</p> <p>15 DEPOSITION EXHIBIT 9</p> <p>16 1:23 p.m.</p> <p>17 BY MS. AUKERMAN:</p> <p>18 Q. Can you tell me what this is?</p> <p>19 A. Out-of-state adult conviction flowchart.</p> <p>20 Q. So can you walk me through how this works.</p> <p>21 A. It's like following the prompts. You answer the</p> <p>22 questions to know where you go next for an</p> <p>23 out-of-state conviction -- an out-of-state offense.</p> <p>24 Now these are our offenses that have</p> <p>25 already been identified. However, there was a change</p> <p style="text-align: center;">Page 140</p>

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<p>1 in policy applicability of when we use our duration</p> <p>2 versus the state's duration because the language in</p> <p>3 statute. And so, this helped us determine that.</p> <p>4 Q. Can you explain that. I'm sorry, go ahead.</p> <p>5 A. So there are --</p> <p>6 Q. Go ahead.</p> <p>7 A. So there is -- it -- this essentially helps us</p> <p>8 determine whether we're using our state duration based</p> <p>9 on that conviction or if -- that similar conviction or</p> <p>10 if it would have been their state duration. And</p> <p>11 again, these are for convictions that have already</p> <p>12 been identified in the system.</p> <p>13 Q. Okay. So let me make sure, because it's a -- to me</p> <p>14 it's a confusing flowchart -- make sure I'm</p> <p>15 understanding you correctly.</p> <p>16 So if someone has an offense that's not</p> <p>17 comparable to Michigan registration statute, so we're</p> <p>18 here on this first box, go no, okay. They still have</p> <p>19 to register if the state requires -- if their state of</p> <p>20 conviction requires registration, correct?</p> <p>21 A. If their state of conviction requires registration,</p> <p>22 yes.</p> <p>23 Q. So you could have -- if the -- if the state of</p> <p>24 registration -- it doesn't matter if comparable to a</p> <p>25 Michigan offense if the state of registration -- if</p> <p style="text-align: center;">Page 141</p>	<p>1 the -- if -- it doesn't matter if it's comparable to a</p> <p>2 Michigan offense; if the convicting jurisdiction</p> <p>3 requires registration, you have to register, correct?</p> <p>4 A. Say that again.</p> <p>5 Q. If the convicting jurisdiction requires registration,</p> <p>6 the person has to register in Michigan even if it's</p> <p>7 not comparable to a Michigan conviction?</p> <p>8 A. So one way or the other, yeah, if their jurisdiction</p> <p>9 requires them to register, they would have to</p> <p>10 register.</p> <p>11 Q. So, for example, if you had indecent exposure, that's</p> <p>12 not a registrable offense in Michigan. If it's a</p> <p>13 registrable offense in, I don't know, Georgia, the</p> <p>14 person would still have to register in Michigan?</p> <p>15 A. Correct.</p> <p>16 Q. Okay. Okay. So let's say the convicting -- the</p> <p>17 offense -- excuse me.</p> <p>18 Let's say -- well, let's say the convicting</p> <p>19 state doesn't require registration -- a comparable --</p> <p>20 I found this chart very confusing.</p> <p>21 If it's comparable to a Michigan adult</p> <p>22 conviction, but the state -- convicting state doesn't</p> <p>23 require registration, would the person have to</p> <p>24 register?</p> <p>25 A. Say that again, I'm sorry.</p> <p style="text-align: center;">Page 142</p>
<p>1 Q. So let's take an offense that the convicting state</p> <p>2 doesn't require registration. But if comparable to a</p> <p>3 Michigan offense, as I read this looking at this top</p> <p>4 line along the flowchart, it looks like they would --</p> <p>5 they could still have to register in Michigan?</p> <p>6 A. They could, yes.</p> <p>7 Q. Okay. And so, let's take someone who is -- who has --</p> <p>8 that's an offense that's comparable to a Michigan</p> <p>9 conviction, but it's not a tier III offense. It's</p> <p>10 tier I or tier II offense. As I read this chart, the</p> <p>11 registration duration would be whichever is longer,</p> <p>12 the convicting state or Michigan, is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. Let's go on to the next page for out-of-state juvenile</p> <p>15 adjudications. Can you sort of summarize how juvenile</p> <p>16 adjudications are handled for out of state?</p> <p>17 A. Let me think about this for a minute. So again, this</p> <p>18 is trying to figure out -- because we had that change</p> <p>19 where we could go on either duration. This was</p> <p>20 helping us identify the duration, when to use our</p> <p>21 duration requirements or the other state's.</p> <p>22 Q. When you mentioned we had that change about duration,</p> <p>23 when was that?</p> <p>24 A. I don't know off the top of my head.</p> <p>25 Q. Was it while you were in the unit?</p> <p style="text-align: center;">Page 143</p>	<p>1 A. Correct.</p> <p>2 Q. While you were manager?</p> <p>3 A. Correct.</p> <p>4 Q. Was there a memo or directive or written guidance of</p> <p>5 any kind about that durational change?</p> <p>6 A. Received communication, I believe, I don't know if it</p> <p>7 was formal or it was just a change in process of what</p> <p>8 we've been doing. And so, then we were told we were</p> <p>9 supposed to do it this way. But it was new to us so</p> <p>10 we needed to somehow write it down to keep track of</p> <p>11 it.</p> <p>12 Q. Who made that decision to change the durational</p> <p>13 requirements?</p> <p>14 A. MSP legal.</p> <p>15 Q. Okay.</p> <p>16 MS. AUKERMAN: We're going to want whatever</p> <p>17 communications or directive was provided to the staff.</p> <p>18 BY MS. AUKERMAN:</p> <p>19 Q. If I'm understanding this chart -- this flowchart</p> <p>20 correctly, if it's not comparable to a Michigan</p> <p>21 juvenile adjudication, the person still has to</p> <p>22 register if the adjudicating state requires</p> <p>23 registration, correct?</p> <p>24 A. Correct.</p> <p>25 Q. If the adjudicating state requires registration of, I</p> <p style="text-align: center;">Page 144</p>

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<p>1 don't know, some offense that we don't consider an</p> <p>2 offense here, a juvenile would still -- if the</p> <p>3 juvenile has to register in the other state, they'd</p> <p>4 still have to register in Michigan?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. If it is comparable to a Michigan juvenile</p> <p>7 adjudication and in Michigan -- a Michigan juvenile</p> <p>8 only registers if they're over fourteen, correct?</p> <p>9 A. Correct.</p> <p>10 Q. But if the adjudicating state requires registration</p> <p>11 and the person is under thirteen, the person would</p> <p>12 still be required to register in Michigan, correct?</p> <p>13 A. Correct.</p> <p>14 Q. So if you had an eight-year-old that was required to</p> <p>15 register in Georgia for juvenile adjudication, they</p> <p>16 would have to register in Michigan?</p> <p>17 A. Correct. That's how I understand it.</p> <p>18 Q. And in Michigan only tier III offenses require</p> <p>19 registration for juveniles, correct?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. But if the -- if the offense is not a tier III,</p> <p>22 if it's a tier I or tier II, but the adjudicating</p> <p>23 state requires registration, the person would still</p> <p>24 have to register in Michigan?</p> <p>25 A. Correct. They may still have to register in Michigan,</p> <p style="text-align: center;">Page 145</p>	<p>1 correct.</p> <p>2 Q. So at the bottom of these charts it says consult with</p> <p>3 an -- if the code is not listed, consult with an</p> <p>4 analyst. Who gets consulted?</p> <p>5 A. I'm sorry?</p> <p>6 Q. It says consult with an analyst. Who's the analyst</p> <p>7 that's being consulted here?</p> <p>8 A. Our analysts, one of our four analysts.</p> <p>9 Q. Okay. We received a bunch of documents that were</p> <p>10 communications with MSP legal about trying to figure</p> <p>11 out whether certain offenses were comparable to</p> <p>12 Michigan offenses. When is legal brought in to those</p> <p>13 decisions?</p> <p>14 A. If it's an offense we've never encountered before, so</p> <p>15 it's not already captured, then we would move that on</p> <p>16 up the chain of -- to MSP legal. Or if for some</p> <p>17 reason it just isn't making sense to us or we just</p> <p>18 don't feel comfortable or we feel there's something</p> <p>19 questionable about the situation, then we would pass</p> <p>20 that to legal.</p> <p>21 Q. For offenses you haven't encountered before, do</p> <p>22 different analysts have -- sometimes have different</p> <p>23 perspectives on what the comparable Michigan offense</p> <p>24 is?</p> <p>25 MR. JAMISON: Objection, lack of</p> <p style="text-align: center;">Page 146</p>
<p>1 foundation.</p> <p>2 BY MS. AUKERMAN:</p> <p>3 Q. You can answer.</p> <p>4 A. Are you -- will you ask the question again.</p> <p>5 Q. So -- yeah. So when you encounter an offense that you</p> <p>6 haven't come across before and you're trying to figure</p> <p>7 out what -- whether it's comparable to a Michigan</p> <p>8 offense, do different analysts sometimes come to</p> <p>9 different conclusions about whether it's comparable to</p> <p>10 a Michigan offense?</p> <p>11 A. No. Because they don't do that. They're just looking</p> <p>12 to see if there isn't something that already -- if</p> <p>13 it's a new one, they go through legal. We don't make</p> <p>14 those decisions at this level. These are ones that we</p> <p>15 already had in the system that now we had to apply the</p> <p>16 new process to.</p> <p>17 Q. Let me make sure I understand this. This chart is --</p> <p>18 this isn't for -- this only relates to ones that are</p> <p>19 already in the flowchart?</p> <p>20 A. Correct.</p> <p>21 Q. Okay. So then you would say look, it's --</p> <p>22 A. It's already been identified.</p> <p>23 Q. Uh-huh. And then you would go through the flowchart.</p> <p>24 Okay. Correct? That's when you'd go through the</p> <p>25 flowchart, correct?</p> <p style="text-align: center;">Page 147</p>	<p>1 A. Correct.</p> <p>2 Q. Who makes the decision about whether an out-of-state</p> <p>3 process is equivalent to a juvenile adjudication?</p> <p>4 A. I'm sorry, can you ask the question again.</p> <p>5 Q. So different states have different ways of treating</p> <p>6 juveniles of -- different deferral programs, things</p> <p>7 like that.</p> <p>8 Who makes the decision that say, you know,</p> <p>9 a Georgia program is comparable to the Holmes Youthful</p> <p>10 Trainee Act?</p> <p>11 A. If it -- it's not clearly communicated from that other</p> <p>12 state, we don't -- we would send it to legal to</p> <p>13 review. We don't determine that.</p> <p>14 Q. So what kind of documents do you get in order for</p> <p>15 legal to make those decisions?</p> <p>16 A. We try to ascertain any conviction documentation,</p> <p>17 police reports.</p> <p>18 Q. Why do you get the police reports?</p> <p>19 A. Just sometimes there's age -- age is captured for</p> <p>20 victim; that is -- doesn't always come across in some</p> <p>21 of the convicting documentation.</p> <p>22 Q. Is the comparison based on -- the comparison for the</p> <p>23 out-of-state offense, is that based on the -- what the</p> <p>24 person was convicted of? Or what the -- what the</p> <p>25 allegations in the documents are?</p> <p style="text-align: center;">Page 148</p>

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<p>1 A. I don't -- I can't answer that. I don't know.</p> <p>2 MS. AUKERMAN: Let's look at another</p> <p>3 document here. This is going to be the PACC code</p> <p>4 table. This is Exhibit 10.</p> <p>5 MARKED FOR IDENTIFICATION:</p> <p>6 DEPOSITION EXHIBIT 10</p> <p>7 1:38 p.m.</p> <p>8 BY MS. AUKERMAN:</p> <p>9 Q. Do you recognize this document?</p> <p>10 A. I don't see anything yet.</p> <p>11 Q. I apologize. Can you see that now. Do you recognize</p> <p>12 this document?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. And can you explain how -- what this is -- is</p> <p>15 -- let me stop.</p> <p>16 Can you tell us what this is?</p> <p>17 A. This is what populates our tier table in MSOR.</p> <p>18 Q. When you say populates our tier table, what do you</p> <p>19 mean by that?</p> <p>20 A. The crime codes that are in MSOR, this is how we -- we</p> <p>21 communicate them. We get information. Like if there</p> <p>22 was a similar -- similar offense, then if we got</p> <p>23 information from legal saying that it was, we would</p> <p>24 fill this out. We would send it to our vendor. And</p> <p>25 then the vendor would use this to add it to the tier</p> <p style="text-align: center;">Page 149</p>	<p>1 table in MSOR.</p> <p>2 Q. So if someone comes in with Arkansas eleven forty-one</p> <p>3 four twenty offense, if that's in MSOR, that would</p> <p>4 automatically populate?</p> <p>5 A. If it's in here, it's in MSOR. These are ones we've</p> <p>6 already encountered. We've already determined whether</p> <p>7 it's published, their tier, you know, based on</p> <p>8 whatever the criteria might be.</p> <p>9 Q. What does CRR mean?</p> <p>10 A. That is a national -- the NCIC, that is a designation</p> <p>11 within NCIC regarding the -- it being the type of sex</p> <p>12 offense.</p> <p>13 Q. Okay. And then the next column here is tier level,</p> <p>14 correct?</p> <p>15 A. Correct.</p> <p>16 Q. How -- I see a bunch of these are blank. What does</p> <p>17 that mean that they are blank?</p> <p>18 A. Is there anything to the right of it?</p> <p>19 Q. No.</p> <p>20 A. I'm not sure.</p> <p>21 Q. Okay.</p> <p>22 A. I'm guessing because it needs to be evaluated</p> <p>23 dependent -- I'm guessing it would be something -- if</p> <p>24 we got one of those, we would have to give it to legal</p> <p>25 to review. Because each time it could be</p> <p style="text-align: center;">Page 150</p>
<p>1 circumstantial -- not circumstantial -- but it could</p> <p>2 be circumstances that need to be reviewed by them.</p> <p>3 Q. So like for all these we have here starting on line</p> <p>4 fifty-seven a whole bunch of Alabama offenses that</p> <p>5 there's no tier level for. So those would not yet</p> <p>6 have been reviewed by legal?</p> <p>7 A. I'm saying they probably have been reviewed by legal,</p> <p>8 but because of the way the statute is written, it may</p> <p>9 need to be something reviewed each time. It's not</p> <p>10 something we can just say it's always going to be this</p> <p>11 or that.</p> <p>12 Q. So what you're saying is there's some offenses where</p> <p>13 you can't tell from the language of the statute</p> <p>14 whether or not a person is tier I, tier II, tier III,</p> <p>15 and so they're going to have to be individually</p> <p>16 reviewed?</p> <p>17 A. That is my best guess.</p> <p>18 Q. Okay. So then there's column O, it says publish</p> <p>19 single offense. What does that mean?</p> <p>20 A. That they only have to have one offense and they're</p> <p>21 published.</p> <p>22 Q. And if that's blank, what does that mean?</p> <p>23 A. Again, it hasn't been determined.</p> <p>24 Q. Okay. And then there's a column here for approved by</p> <p>25 MSP legal. What does that mean?</p> <p style="text-align: center;">Page 151</p>	<p>1 A. Can you click the arrow, please, the filter.</p> <p>2 Q. I don't know that I can because I don't have the</p> <p>3 passwords to go in. But you can kind of see that it's</p> <p>4 blank.</p> <p>5 A. They're not all blank.</p> <p>6 Q. They're almost all blank.</p> <p>7 A. So right there, they should say yes. And then if it</p> <p>8 was comparable to the code, I guess, I don't know.</p> <p>9 Q. Okay.</p> <p>10 A. It looks like it's been over the years used for</p> <p>11 different reasons.</p> <p>12 Q. Okay. And then I see that -- so but -- but most of</p> <p>13 these are blank whether or not they've been approved.</p> <p>14 If we scroll down here, we can see on column R that</p> <p>15 almost all of them are blank, correct?</p> <p>16 A. I see that.</p> <p>17 Q. Okay. And the comparable Michigan code, what is that</p> <p>18 column supposed to be for?</p> <p>19 A. I don't know that we've updated it from before to now.</p> <p>20 So I don't know what it means.</p> <p>21 Q. Okay. But you agree that most of these -- there's not</p> <p>22 a comparable Michigan code listed for most of these</p> <p>23 offenses?</p> <p>24 A. Correct.</p> <p>25 Q. Do you know if that's because there isn't a -- when we</p> <p style="text-align: center;">Page 152</p>

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<p>1 go back to the flowchart, right, whether or not</p> <p>2 something is a comparable Michigan offense is the</p> <p>3 first thing you have to figure out.</p> <p>4 So the fact that these are blank, does that</p> <p>5 mean that there's not a comparable Michigan offense?</p> <p>6 A. I don't know that.</p> <p>7 Q. How would the analyst know whether there's a</p> <p>8 comparable Michigan offense if it's not marked in this</p> <p>9 chart?</p> <p>10 A. They don't use this chart to do that. They use what's</p> <p>11 in MSOR.</p> <p>12 Q. Does MSOR have a field for comparable offense?</p> <p>13 A. No. But whatever the tier is, is how we kind of</p> <p>14 figure it out. Obviously, if it's another state and</p> <p>15 they're not using tiers or something, we don't look at</p> <p>16 that.</p> <p>17 Q. So how do I -- how would I figure out what -- let's</p> <p>18 take -- I don't know. Here, let's just take -- D.C.,</p> <p>19 second degree child abuse, tier III; how do I know</p> <p>20 what the comparable Michigan offense is? Where is</p> <p>21 that -- where's that kept?</p> <p>22 A. We don't keep that. I don't know. We don't keep</p> <p>23 that.</p> <p>24 Q. Does anybody keep that?</p> <p>25 A. Not that I'm aware of.</p> <p style="text-align: center;">Page 153</p>	<p>1 Q. Okay. So but at some point there was a determination</p> <p>2 made that this D.C. twenty-two three oh oh nine</p> <p>3 offense is comparable to some Michigan offense that</p> <p>4 requires tier III registration, correct?</p> <p>5 A. I know that it was designated as a tier III if the</p> <p>6 victim was one through twelve.</p> <p>7 Q. I guess what I'm trying to get at is it seems like</p> <p>8 whether or not something is comparable to a Michigan</p> <p>9 offense is pretty foundational to how that person is</p> <p>10 classified, correct?</p> <p>11 MR. JAMISON: Objection, vague.</p> <p>12 BY MS. AUKERMAN:</p> <p>13 Q. You can answer.</p> <p>14 A. I'm not sure of your question.</p> <p>15 Q. Okay. Let's go back to the prior document.</p> <p>16 MR. JAMISON: Can we take five minutes.</p> <p>17 She's saying she needs a break. Is that okay?</p> <p>18 MS. AUKERMAN: Yeah, that's fine. I'm</p> <p>19 trying to confirm that we're not communicating with</p> <p>20 the witness.</p> <p>21 MR. JAMISON: Mariam, I'm not telling my</p> <p>22 witness how to answer questions.</p> <p>23 MS. AUKERMAN: Okay.</p> <p>24 MR. JAMISON: I said that at the beginning</p> <p>25 of the deposition. If her and I want to communicate</p> <p style="text-align: center;">Page 154</p>
<p>1 about whether or not she needs a break, that's totally</p> <p>2 permissible. We'd like to take ten minute and we'll</p> <p>3 reconvene at 2:00.</p> <p>4 MS. AUKERMAN: That's fine.</p> <p>5 MR. JAMISON: Do you have any idea how much</p> <p>6 longer you're going to need?</p> <p>7 MS. AUKERMAN: I think we're going to need</p> <p>8 the rest of the day.</p> <p>9 MR. JAMISON: You're going to take the full</p> <p>10 seven hours?</p> <p>11 MS. AUKERMAN: Yes, I am, likely. We'll</p> <p>12 see how it's -- let's off the record.</p> <p>13 (Off the record 1:48 p.m.)</p> <p>14 (Back on the record at 2:02 p.m.)</p> <p>15 BY MS. AUKERMAN:</p> <p>16 Q. Just a couple more questions on the sort of</p> <p>17 out-of-state offenses, really just one more. I read</p> <p>18 in the documents that you don't do predeterminations,</p> <p>19 is that correct?</p> <p>20 A. Correct.</p> <p>21 Q. The unit does predeterminations for law enforcement,</p> <p>22 correct? Like for an out-of-state registry?</p> <p>23 A. That was a new process change. So the only ones we do</p> <p>24 that for are like ICOTS and MDOC, which is the</p> <p>25 transfer.</p> <p style="text-align: center;">Page 155</p>	<p>1 Q. So you would -- the MDOC, if they want to know whether</p> <p>2 someone is a past registrant, you would make -- based</p> <p>3 on out-of-state conviction, you would make that</p> <p>4 predetermination, correct?</p> <p>5 A. Yeah. ICOTS is part of the MDOC. So that's what I'm</p> <p>6 referring to, yes.</p> <p>7 Q. Okay.</p> <p>8 A. Because when they're having people transferring from</p> <p>9 other states.</p> <p>10 MS. AUKERMAN: Let me share one more</p> <p>11 document here. This is one of the policy manuals. I</p> <p>12 believe we're on Exhibit 11. This is Bates 775.</p> <p>13 MARKED FOR IDENTIFICATION:</p> <p>14 DEPOSITION EXHIBIT 11</p> <p>15 2:03 p.m.</p> <p>16 BY MS. AUKERMAN:</p> <p>17 Q. Do you recognize this document?</p> <p>18 A. Can you go to the top, please.</p> <p>19 Q. Sure.</p> <p>20 A. Okay.</p> <p>21 Q. Do you recognize this document?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And I just note here it says that in the --</p> <p>24 this we're now on page Bates 776. It says that</p> <p>25 there's no predeterminations made, correct, for</p> <p style="text-align: center;">Page 156</p>

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<p>1 registrants?</p> <p>2 A. Uh-huh.</p> <p>3 Q. And that there are predeterminations made for the MDOC</p> <p>4 or for a court, correct?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. And then the highlighted language here says the</p> <p>7 offender shall be provided with the resources needed</p> <p>8 to make the determination. What resources are</p> <p>9 provided to registrants moving in out of state to make</p> <p>10 that determination?</p> <p>11 A. Referencing the state statute, the registrable</p> <p>12 offenses.</p> <p>13 Q. So the registrant will be told you can look at your</p> <p>14 out-of-state conviction and you can look at the</p> <p>15 Michigan conviction and --</p> <p>16 A. And consult an attorney.</p> <p>17 Q. And consult an attorney. But they're not provided</p> <p>18 with the chart --</p> <p>19 A. No.</p> <p>20 Q. -- or anything like that?</p> <p>21 So they would have to try to figure out</p> <p>22 themselves whether something is substantially similar</p> <p>23 to a Michigan offense, correct?</p> <p>24 A. I guess correct, yes.</p> <p>25 Q. All right. Let's talk about -- one last question on</p> <p style="text-align: center;">Page 157</p>	<p>1 that, is there a role for the registrant's attorney in</p> <p>2 determining what is substantially similar?</p> <p>3 Like is there an appeals process or</p> <p>4 anything that -- the registrant or attorney can do to</p> <p>5 say, you know, I don't think it's substantially</p> <p>6 similar to this. I think it's substantially not</p> <p>7 similar. Is there -- what's the process, if any?</p> <p>8 A. So I have actually had that happen, and I've referred</p> <p>9 to legal, MSP legal.</p> <p>10 Q. So the registrant or their attorney would need to</p> <p>11 contact MSP legal?</p> <p>12 A. No. They don't contact them, they contact us. The</p> <p>13 attorney, if they have issue with it, they contact us.</p> <p>14 And we can tell them that we can refer to our legal</p> <p>15 for a review. But typically that's after they have</p> <p>16 already been determined a certain tier.</p> <p>17 Q. But if the registrant's attorney says I disagree, I</p> <p>18 think this is tier II and not tier III, what happens?</p> <p>19 A. For someone who's already registered?</p> <p>20 Q. Yeah. The person has been registered and told you're</p> <p>21 tier III and the attorney says no, I think this is</p> <p>22 more comparable to a tier II offense, what happens?</p> <p>23 A. They usually send something to our group email and we</p> <p>24 advise them that we are forwarding to legal for</p> <p>25 review.</p> <p style="text-align: center;">Page 158</p>
<p>1 Q. Right. And then if legal says nope, we think this</p> <p>2 person is a tier III, what happens?</p> <p>3 A. I don't know. That -- usually we respond. I haven't</p> <p>4 had anything come back. I've only had that experience</p> <p>5 once.</p> <p>6 Q. Okay. Let's talk about the non-sex offense cases.</p> <p>7 Are you familiar with registration requirements for</p> <p>8 people who are not convicted of a sex offense?</p> <p>9 A. Somewhat.</p> <p>10 Q. Can you describe what you know.</p> <p>11 MR. JAMISON: Objection, vague.</p> <p>12 BY MS. AUKERMAN:</p> <p>13 Q. Can you describe who has to register for a non-sex</p> <p>14 offense?</p> <p>15 A. What I've learned thus far is the Lymon, in three</p> <p>16 instances of Lymon; child enticement, kidnapping, and</p> <p>17 unlawful imprisonment.</p> <p>18 Q. What about out-of-state offenses?</p> <p>19 A. What about?</p> <p>20 Q. Are there out of state -- are there people with</p> <p>21 out-of-state non-sex offenses that are required to</p> <p>22 register in Michigan?</p> <p>23 A. I don't know. I don't -- I've not been instructed or</p> <p>24 had to look at that thus far.</p> <p>25 Q. So if someone had a kidnapping offense in Ohio, would</p> <p style="text-align: center;">Page 159</p>	<p>1 that be considered substantially similar to kidnapping</p> <p>2 in Michigan?</p> <p>3 A. If it -- I would follow the typical rule. If for some</p> <p>4 reason that's something that we are directed to start</p> <p>5 addressing, we would address it.</p> <p>6 Q. Okay. So you're familiar with the Michigan Court of</p> <p>7 Appeals called People v. Lymon, correct?</p> <p>8 A. Correct.</p> <p>9 Q. What's happening in response to Lymon within the SOR</p> <p>10 unit?</p> <p>11 A. As we've been directed, we are providing communication</p> <p>12 to prosecutors, law enforcement, and courts advising</p> <p>13 of specific individuals with those offenses -- those</p> <p>14 offenses only -- and asking them to review and</p> <p>15 determine if a sexual component existed -- existed.</p> <p>16 And that if we don't get any response or determined</p> <p>17 that there was none, they are being removed from the</p> <p>18 registry. That we need to hear from them.</p> <p>19 Q. So when you say you've been providing communication,</p> <p>20 when -- when did that occur?</p> <p>21 A. So the first one, I believe, went out in November, I</p> <p>22 think. And then we just sent another here in January,</p> <p>23 a reminder.</p> <p>24 Q. When you say the first one, what do you mean?</p> <p>25 A. The notice to PAAM, the courts, law enforcement,</p> <p style="text-align: center;">Page 160</p>

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<p>1 prosecutors. We sent them that letter telling them</p> <p>2 what we were doing, as I just described. And then we</p> <p>3 just sent them that same letter stating reminder; the</p> <p>4 only difference being reminder. And sent it to them</p> <p>5 again.</p> <p>6 MS. AUKERMAN: We haven't gotten the final</p> <p>7 versions of those letters as they went out. We're</p> <p>8 going to need to get those as well as the reminder</p> <p>9 letter.</p> <p>10 BY MS. AUKERMAN:</p> <p>11 Q. Was there a letter sent to registrants?</p> <p>12 A. Not yet, no.</p> <p>13 Q. Will there be a letter to registrants?</p> <p>14 A. As far as I knew, that was the plan.</p> <p>15 Q. So in terms of the decision to remove people based on</p> <p>16 the Lymon decision, who was involved in making --</p> <p>17 who's involved in deciding that these individuals</p> <p>18 should be removed?</p> <p>19 A. I don't know.</p> <p>20 Q. Were you involved in any way?</p> <p>21 A. No. I was only provided direction.</p> <p>22 Q. Who provided you that direction?</p> <p>23 A. MSP legal.</p> <p>24 Q. Who at MSP legal?</p> <p>25 A. John Gemellaro and Steve Beatty.</p> <p style="text-align: center;">Page 161</p>	<p>1 Q. Do you know who wrote the letters to the prosecutors?</p> <p>2 A. I do not.</p> <p>3 Q. Who provided you with those letters?</p> <p>4 A. John Gemellaro.</p> <p>5 Q. Okay. So -- so when you identified people who could</p> <p>6 be impacted by Lymon, how did you do that?</p> <p>7 A. Because we were requested to look for individuals with</p> <p>8 those specific offenses and only those specific</p> <p>9 offense, it was -- we just ran a query in the system.</p> <p>10 Because we did find out that they wanted more details</p> <p>11 around that query, we ended up going through the</p> <p>12 vendor.</p> <p>13 Q. When you say wanted more details, what do you mean?</p> <p>14 A. To the offenses, to the offense. Like I was</p> <p>15 describing name and registration number. They wanted</p> <p>16 the actual -- they wanted everything on the</p> <p>17 spreadsheet, their name and conviction information.</p> <p>18 Q. Okay. So when you pulled the initial -- when you</p> <p>19 pulled the group of people who would be the subject of</p> <p>20 these letters, you looked for those three specific</p> <p>21 offenses, is that correct, kidnapping, unlawful</p> <p>22 imprisonment, and child enticement?</p> <p>23 A. Correct.</p> <p>24 Q. You did not look for out-of-state non-sex offenses?</p> <p>25 A. No.</p> <p style="text-align: center;">Page 162</p>
<p>1 Q. How were you tracking the responses in Lymon? You</p> <p>2 mentioned earlier that you have a spreadsheet for</p> <p>3 this.</p> <p>4 A. Right. We're writing on the report and then we're</p> <p>5 putting notification -- notice in the record itself.</p> <p>6 Q. Do you know -- do you know how many prosecutors have</p> <p>7 responded?</p> <p>8 A. I do not.</p> <p>9 Q. Who would know that information?</p> <p>10 A. The staff in the unit.</p> <p>11 Q. Are there any steps being taken to remove people with</p> <p>12 out-of-state non-sex offense convictions?</p> <p>13 A. I'm sorry, repeat the question.</p> <p>14 Q. Are there any steps being taken to remove people with</p> <p>15 out-of-state non-sex offense convictions?</p> <p>16 A. I don't know.</p> <p>17 Q. Were you involved in any such efforts?</p> <p>18 A. No, I was not.</p> <p>19 Q. So if a prosecutor responds to this letter and says I</p> <p>20 believe there was a sexual component to the offense,</p> <p>21 what happens then?</p> <p>22 A. I mean, we put that communication in the individual's</p> <p>23 record and that individual stays on. And we -- I</p> <p>24 think they're notifying legal as they find out. I'm</p> <p>25 not sure. I shouldn't speak to that. I don't know.</p> <p style="text-align: center;">Page 163</p>	<p>1 I'm not there anymore.</p> <p>2 Q. Let me back up just a second. So currently -- how</p> <p>3 many -- do you know how many people are impacted --</p> <p>4 how many -- about how many people these letters went</p> <p>5 out -- that wasn't a very clear question. Let me say</p> <p>6 that again.</p> <p>7 How many people are part of this group that</p> <p>8 is being considered for removal?</p> <p>9 A. Can you -- are you speaking about registrants? What</p> <p>10 are you speaking to?</p> <p>11 Q. Yeah. So how many -- letters were sent out about --</p> <p>12 to prosecutors and courts and so forth -- about people</p> <p>13 who might come off under Lymon, correct?</p> <p>14 A. Uh-huh.</p> <p>15 Q. How many people were on -- were part of that -- I'm</p> <p>16 trying to say this in a clear way.</p> <p>17 There were attachments to these letters,</p> <p>18 correct, that went out?</p> <p>19 A. To the -- yes.</p> <p>20 Q. Right. And so, on those attachments it would say in</p> <p>21 Grand Rapids, here's the ten people who are impacted?</p> <p>22 A. Gotcha. Yes. Yes.</p> <p>23 Q. Okay. What I'm trying to understand is what's the</p> <p>24 total number of people who were -- who were being</p> <p>25 considered -- about who prosecutors are being asked</p> <p style="text-align: center;">Page 164</p>

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<p>1 questions?</p> <p>2 A. I don't have an exact number, but it's only a few</p> <p>3 hundred, a little bit more than a few hundred. But I</p> <p>4 don't have an exact number off the top of my head.</p> <p>5 Q. For those people, are they currently on the public</p> <p>6 registry?</p> <p>7 A. They may or may not be. I can't say for sure.</p> <p>8 Q. If they were a public registrant, has anything -- has</p> <p>9 anything changed about their record while the letter</p> <p>10 -- while we are waiting to hear back from the</p> <p>11 prosecutors?</p> <p>12 MR. JAMISON: Objection, vague.</p> <p>13 BY MS. AUKERMAN:</p> <p>14 Q. So -- so the record hasn't changed pending a response</p> <p>15 from the prosecutor, correct?</p> <p>16 MR. JAMISON: Same objection.</p> <p>17 BY MS. AUKERMAN:</p> <p>18 Q. You can answer.</p> <p>19 A. Correct.</p> <p>20 Q. If the prosecutor says that there was a sexual</p> <p>21 component, the SOR unit will keep the person on the</p> <p>22 registry, correct?</p> <p>23 A. Correct.</p> <p>24 Q. Is -- the SOR unit is not going to require a judicial</p> <p>25 determination of whether there was a sexual component,</p> <p style="text-align: center;">Page 165</p>	<p>1 correct?</p> <p>2 A. I don't know.</p> <p>3 MS. AUKERMAN: Let's take a look at -- I</p> <p>4 believe this is Exhibit 12.</p> <p>5 MARKED FOR IDENTIFICATION:</p> <p>6 DEPOSITION EXHIBIT 12</p> <p>7 2:20 p.m.</p> <p>8 BY MS. AUKERMAN:</p> <p>9 Q. Do you recognize this document?</p> <p>10 A. It looks familiar, yes.</p> <p>11 Q. What is it?</p> <p>12 A. This is that draft RSO letter that you were referring</p> <p>13 to earlier.</p> <p>14 Q. Do you know if this is the current version?</p> <p>15 A. It appears to be.</p> <p>16 Q. Do you know when this will go out?</p> <p>17 A. After ninety days from the date we sent the first</p> <p>18 letter to the prosecutors, courts, and law</p> <p>19 enforcement.</p> <p>20 Q. Okay. Will all of those letters go out at the same</p> <p>21 time?</p> <p>22 A. I don't know.</p> <p>23 Q. If a prosecutor says this person needs to continue to</p> <p>24 register, will the registrant get a letter?</p> <p>25 A. I don't know.</p> <p style="text-align: center;">Page 166</p>
<p>1 Q. The language in bold here says this is not a</p> <p>2 determination that you no longer need to register,</p> <p>3 verify, or update your information as required by</p> <p>4 Michigan law, federal law, or another state's law,</p> <p>5 correct?</p> <p>6 A. I see that there, yes.</p> <p>7 Q. How is the registrant supposed to know whether they</p> <p>8 have to register if they get a letter saying that it's</p> <p>9 not a determination about whether they have to</p> <p>10 register?</p> <p>11 MR. JAMISON: Objection, lack of</p> <p>12 foundation.</p> <p>13 BY MS. AUKERMAN:</p> <p>14 Q. You can answer.</p> <p>15 A. I don't know.</p> <p>16 Q. Okay. So what if a prosecutor thinks an offense had a</p> <p>17 sexual component, but a registrant disagrees, is there</p> <p>18 a process for that?</p> <p>19 A. I don't know.</p> <p>20 Q. Are you aware that the Lymon case has gone to the</p> <p>21 Michigan Supreme Court?</p> <p>22 A. I do not -- I did not know.</p> <p>23 Q. Have you had conversations about what would happen if</p> <p>24 the courts say that registration of people with</p> <p>25 non-sex offenses is okay, is constitutional?</p> <p style="text-align: center;">Page 167</p>	<p>1 A. I'm sorry, say that again.</p> <p>2 Q. Have you had conversations about what will happen with</p> <p>3 these Lymon records, these individuals, if the courts</p> <p>4 say that registration is constitutional for people</p> <p>5 with non-sex offenses?</p> <p>6 A. I have not had that conversation.</p> <p>7 Q. Are the records for people who do get removed? Are</p> <p>8 those marked as inactive?</p> <p>9 A. They are marked as cancelled.</p> <p>10 Q. If you were told -- the unit were told to reactivate</p> <p>11 those records, what would be involved in that?</p> <p>12 A. I don't know. I'm not -- I'm not there anymore. I</p> <p>13 don't know what their plan would be.</p> <p>14 Q. Okay. But the -- a cancelled record could be</p> <p>15 reactivated, correct?</p> <p>16 A. Correct. With the assistance of the offender.</p> <p>17 Q. So if MSP legal said to you -- or said to the unit we</p> <p>18 need to reactivate all the Lymon people who were</p> <p>19 cancelled because the law has changed, that would be</p> <p>20 something that would just -- could be done?</p> <p>21 A. I would think so.</p> <p>22 Q. Okay. Let's talk about recapture cases. Do you know</p> <p>23 what a recapture case is?</p> <p>24 A. Basically from my understanding, it's individuals who</p> <p>25 had an offense prior to '95 who were not incarcerated,</p> <p style="text-align: center;">Page 168</p>

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<p>1 on probation, or parole at that time who were not 2 required to register for the sex offense, but then 3 later commits a felony and then are required to 4 register because of that subsequent felony. 5 Q. To your knowledge, were recapture cases removed after 6 the Doe's 1 decision? 7 A. To my knowledge, I believe so, yes. 8 Q. Do you know how many people were removed? 9 A. Not off the top of my head. 10 Q. Do you know roughly? 11 A. A little over a few hundred maybe, a small amount. 12 Q. Are their records in the system as cancelled records? 13 A. Anything removed from our registry is a cancelled 14 record. 15 Q. So those could get reactivated in theory? 16 A. Correct. 17 Q. Okay. I'm going to pull up a document, but because 18 this is subject to the protective order, I'm not going 19 to screen share it. And I believe it was provided to 20 you this morning, this is the retroactive registration 21 AG report. 22 MS. AUKERMAN: Unless, Eric, you have a 23 better way -- suggestion about how to deal with this. 24 MR. JAMISON: Give me one minute to look at 25 it. Was it --</p> <p style="text-align: center;">Page 169</p>	<p>1 MS. AUKERMAN: This -- 2 MR. JAMISON: This was the second email, 3 the additional exhibit you sent? 4 MS. AUKERMAN: Yeah. That has confidential 5 client data in it. 6 MR. JAMISON: Let me pull it up. 7 MS. AUKERMAN: I don't want to screen share 8 that. 9 MR. JAMISON: Narcisa, this is the Excel 10 spreadsheet that you provided to me that is -- that 11 has the -- whatever there are, three hundred or so, 12 retroactive removals on there. You provided it a 13 couple days ago, I think. And this was subsequently 14 produced to the plaintiff's counsel. Do you remember 15 that? 16 A. Yes. I opened it, the one I sent you, yeah. 17 MR. JAMISON: All right. So it's got three 18 tabs on the bottom, retroactive, retroactive, the new 19 CSC, and the sheet one. 20 A. Yes. 21 MS. AUKERMAN: Yeah, that's it. 22 BY MS. AUKERMAN: 23 Q. Can you explain to me what I'm looking at here. 24 A. This was before me. So I can only garner what I see 25 here, just as you do.</p> <p style="text-align: center;">Page 170</p>
<p>1 Q. Is this supposed to -- is this -- do you know when 2 this was prepared? 3 A. I think in 2018. And I only know that because I went 4 under info and looked at when it was last modified and 5 printed. 6 Q. And do you know why it was prepared? 7 A. I did find a -- a communication about removing 8 retroactivity. 9 Q. Is -- this was in response to the Doe's 1 litigation, 10 is that right? 11 A. I don't know. I was just getting here. I don't know. 12 Q. Okay. 13 A. Into the unit. 14 Q. But this is -- this is a list -- these are people 15 who -- who have been removed from the registry, is 16 that right? 17 A. Correct. 18 Q. And they have been removed because of retroactivity, 19 correct? 20 A. That first tab, yes. 21 Q. And then are these all recapture cases? Or is there 22 something else? 23 A. It says under notes confirmed retroactive 24 registration. 25 Q. Okay. I guess what I'm trying to understand is does</p> <p style="text-align: center;">Page 171</p>	<p>1 that mean that they're recaptured? Or -- because lots 2 of people have had retroactive registration issues. 3 I'm trying to make sure we're talking about the same 4 unit of people. 5 A. I can't answer that. I don't know. 6 Q. You don't know if these are recapture cases or not? 7 A. No. This is all I found on retroactivity when I was 8 asked. 9 Q. How would one find that out? 10 A. I was -- Eric, was there something else that I sent 11 with this? Or was it just this? 12 MR. JAMISON: I think it was just this. 13 Let me look. 14 BY MS. AUKERMAN: 15 Q. If -- while he's looking, what is the event date 16 column? 17 A. The event date was the language from the prior system. 18 And it was -- it is an equivalent to a reported date. 19 Q. What do you mean by reported day? 20 A. The date that this was reported to the registry. 21 Q. I see. And the committed -- 22 A. The registration was reported to the registry. 23 Q. Like the first date of registration? 24 A. Usually, it's associated with an entry to -- entry to 25 a vehicle, address, phone number, like this is when</p> <p style="text-align: center;">Page 172</p>

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<p>1 they reported it. But this is within -- it's got a</p> <p>2 start and end date. So I don't know, because it's</p> <p>3 just here in the middle of something.</p> <p>4 Q. Okay. And the committed date would be the offense</p> <p>5 date, when the offense was committed, correct?</p> <p>6 A. Correct.</p> <p>7 Q. Okay. So one of the things that I was confused by</p> <p>8 looking at this is that there are some people with</p> <p>9 offense dates in the 2000s, correct? Or excuse me,</p> <p>10 yeah, committed dates in the 2000s.</p> <p>11 A. Okay.</p> <p>12 Q. So I'm trying to understand, recapture really deals</p> <p>13 with people who have had offenses before the registry</p> <p>14 went into effect, so before 1995. So I'm trying to</p> <p>15 understand whether we're even talking about -- whether</p> <p>16 this is even the right set of information. Do you</p> <p>17 understand my question?</p> <p>18 Because the recapture people would be</p> <p>19 people who had offenses before 1995. And lots of</p> <p>20 people on this spreadsheet have more recent offenses</p> <p>21 than that.</p> <p>22 A. So that --</p> <p>23 Q. Go ahead.</p> <p>24 A. Again, I was not a part of this project or this -- or</p> <p>25 knowing about this spreadsheet other than what I see</p> <p style="text-align: center;">Page 173</p>	<p>1 here. But I was looking and there are -- there are</p> <p>2 additional crime codes and descriptions as you move to</p> <p>3 the right. And I was wondering if that was when the</p> <p>4 initial one was, because there are 1983. And but</p> <p>5 there's one in 2005, the rest are in 1994 and before.</p> <p>6 So --</p> <p>7 Q. Right. But a person with a more recent offense would</p> <p>8 not be removed for recapture. How can we figure out</p> <p>9 whether these are recapture cases or not?</p> <p>10 A. I don't know. There was no indication of recapture in</p> <p>11 the previous system.</p> <p>12 Q. Okay.</p> <p>13 A. This was just titled retroactive registrants. And I</p> <p>14 was advised to look for anything having to do with</p> <p>15 that term. And that's -- since this is before me,</p> <p>16 this is what I found.</p> <p>17 Q. Okay. Are recapture cases currently being added to</p> <p>18 the registry?</p> <p>19 A. To my knowledge, I believe so.</p> <p>20 Q. Do you know when that started up again?</p> <p>21 A. Not off the top of my head, no.</p> <p>22 Q. Do you know roughly? Like was it ten years ago with</p> <p>23 the new law? Do you have any sense like that?</p> <p>24 A. So that's MDOC. You might -- MDOC is the one that</p> <p>25 enters those. I don't know.</p> <p style="text-align: center;">Page 174</p>
<p>1 Q. You're saying MDOC enters new recapture cases?</p> <p>2 A. Correct.</p> <p>3 Q. Either for incarceration or for -- through probation</p> <p>4 officers?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. All right. Let's talk about removals from the</p> <p>7 registry. We had asked for data on the number of</p> <p>8 removals that were based on petitioning and that</p> <p>9 wasn't provided. And so, I wanted to understand sort</p> <p>10 of more about what information is available.</p> <p>11 You track court-ordered removals, correct?</p> <p>12 A. Correct.</p> <p>13 Q. And that shows up as a field, like cancellation,</p> <p>14 court-ordered removal or something like that? Is that</p> <p>15 the field?</p> <p>16 A. That is correct. It's an action. It's not a field.</p> <p>17 Q. Okay. The action would be cancel --</p> <p>18 A. Court order.</p> <p>19 Q. And you can search on that?</p> <p>20 A. Correct.</p> <p>21 Q. What kind of court-ordered removals are there?</p> <p>22 A. I don't know. I'd have to look at them. I don't</p> <p>23 know.</p> <p>24 Q. Okay. So some people petition for removal, correct?</p> <p>25 A. Correct.</p> <p style="text-align: center;">Page 175</p>	<p>1 Q. Under the statutory petitioning provisions, correct?</p> <p>2 A. Correct.</p> <p>3 Q. Sometimes people are removed because a court finds</p> <p>4 some kind of constitutional violation, correct?</p> <p>5 A. Correct.</p> <p>6 Q. Are there other kinds of removals that you can think</p> <p>7 of?</p> <p>8 A. That they just don't want to register anymore and they</p> <p>9 feel they've stayed out of trouble, so they request to</p> <p>10 be removed.</p> <p>11 Q. And the court orders that?</p> <p>12 A. Correct.</p> <p>13 Q. Are you referring to the petitioning?</p> <p>14 A. Maybe. I -- I don't know the reasons. I'd have to</p> <p>15 look at what being --</p> <p>16 Q. Okay.</p> <p>17 A. I don't know.</p> <p>18 Q. Do you know roughly how many court-ordered removals</p> <p>19 there are per year?</p> <p>20 A. I do not.</p> <p>21 Q. Okay. All right.</p> <p>22 MS. AUKERMAN: Let's take a look at this</p> <p>23 next exhibit. I believe we're on 13.</p> <p>24 MARKED FOR IDENTIFICATION:</p> <p>25 DEPOSITION EXHIBIT 13</p> <p style="text-align: center;">Page 176</p>

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<p>1 2:38 p.m.</p> <p>2 BY MS. AUKERMAN:</p> <p>3 Q. Do you recognize this exhibit?</p> <p>4 A. I do not.</p> <p>5 Q. Okay. This was something that was provided to us in</p> <p>6 discovery, it's MSP 923. Can you tell me what -- do</p> <p>7 you have a sense of what you're looking at here? This</p> <p>8 seems to be something about different types of reviews</p> <p>9 and officer alerts, is that accurate?</p> <p>10 A. This document isn't named.</p> <p>11 Q. This is all there is.</p> <p>12 A. Hold on a second. It looks like someone's personal</p> <p>13 canned language for entering -- like some of the</p> <p>14 common alerts they might enter.</p> <p>15 Q. Do you know where it says duration ending what cancel</p> <p>16 letter sent means?</p> <p>17 A. It's a standard letter that -- it's a template letter.</p> <p>18 And we just add the applicable registrant information</p> <p>19 and send it to them.</p> <p>20 Q. Okay. And the court-ordered removal, cancel letter</p> <p>21 would also be such a template letter?</p> <p>22 A. Yes.</p> <p>23 Q. Okay.</p> <p>24 MS. AUKERMAN: So these are also letters</p> <p>25 that we haven't received and need to get.</p> <p style="text-align: center;">Page 177</p>	<p>1 BY MS. AUKERMAN:</p> <p>2 Q. Okay. At the bottom it says sweep record prepped for</p> <p>3 name of city, county, sweep month, year. Do you know</p> <p>4 what that is a reference to?</p> <p>5 A. Again, this looks like somebody's personal verbiage</p> <p>6 that they were using for canned language. And that --</p> <p>7 that has been used since I've been here. That was</p> <p>8 previously. I've seen it in records for previous</p> <p>9 systems.</p> <p>10 Q. Is there something that's done to prep a record for a</p> <p>11 sweep?</p> <p>12 A. So to help the troopers, we print out the registrant</p> <p>13 information. Because they can't take their laptops</p> <p>14 in -- or devices to the door when they visit an</p> <p>15 individual and they're trying to update their</p> <p>16 information or confirm things with them. So they have</p> <p>17 a printout. We just get it ready for them.</p> <p>18 Q. There's not -- are there changes or information that's</p> <p>19 put in the MSOR database to prep for a sweep?</p> <p>20 A. I've never participated, so I don't know.</p> <p>21 Q. Going back to sort of removals. Do you know if -- to</p> <p>22 your knowledge, has the SOR unit ever tracked what</p> <p>23 happens to people who are removed from the registry?</p> <p>24 A. Can you expand on that.</p> <p>25 Q. Has the SOR unit ever looked to see whether people who</p> <p style="text-align: center;">Page 178</p>
<p>1 are removed from the registry re-offend?</p> <p>2 A. No. That's not something we do.</p> <p>3 Q. Let's talk about evaluations of the registry. What</p> <p>4 kind of evaluations are done, if any?</p> <p>5 A. Can you expand on evaluations.</p> <p>6 Q. What kind of -- so -- when you have a program or a</p> <p>7 government -- like a government program, sometimes the</p> <p>8 government will try to see whether that program is</p> <p>9 effective, whether there's a way to improve it,</p> <p>10 whether it's meeting its intended goals. So there</p> <p>11 will be evaluations of the program.</p> <p>12 Are you aware of any such evaluations of</p> <p>13 the registry?</p> <p>14 A. That does not sound familiar to me, at least in my</p> <p>15 time.</p> <p>16 MS. AUKERMAN: I think we're on 14. I'm</p> <p>17 losing track here. We're on Exhibit 14. So let's</p> <p>18 share screen. These are our -- these are the</p> <p>19 responses to the Interrogatories, to the Requests for</p> <p>20 Production.</p> <p>21 MARKED FOR IDENTIFICATION:</p> <p>22 DEPOSITION EXHIBIT 14</p> <p>23 2:43 p.m.</p> <p>24 BY MS. AUKERMAN:</p> <p>25 Q. Do you recognize this document?</p> <p style="text-align: center;">Page 179</p>	<p>1 A. I believe so.</p> <p>2 Q. Okay. Go down to question six there, we asked for</p> <p>3 policy level documents, respond a variety of different</p> <p>4 things. The only document that was provided in</p> <p>5 response to that is Bates 1098 to 1198, that's the</p> <p>6 contract.</p> <p>7 So I wanted to see if there's any other</p> <p>8 documents that might exist. Are there any other</p> <p>9 documents that weren't provided that show operations</p> <p>10 of the registry?</p> <p>11 MR. JAMISON: I'm going to object. There's</p> <p>12 an objection to discovery requests and I think it's</p> <p>13 improper to ask her questions about this over the</p> <p>14 objections.</p> <p>15 MS. AUKERMAN: Your objection is noted.</p> <p>16 BY MS. AUKERMAN:</p> <p>17 Q. You can answer. Are there any other documents related</p> <p>18 to effectiveness of the registry that weren't</p> <p>19 provided?</p> <p>20 MR. JAMISON: Objection, the question was</p> <p>21 vague and she lacks personal knowledge about what was</p> <p>22 produced.</p> <p>23 BY MS. AUKERMAN:</p> <p>24 Q. Did you provide the attorneys with any documents</p> <p>25 related to the effectiveness of the registry?</p> <p style="text-align: center;">Page 180</p>

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<p>1 A. Not that I recall, no.</p> <p>2 Q. With respect to the cost of the registry, we did</p> <p>3 receive a budget for the SOR unit. Are there any</p> <p>4 other documents you're aware of related to the cost of</p> <p>5 the registry?</p> <p>6 MR. JAMISON: Objection, vague.</p> <p>7 BY MS. AUKERMAN:</p> <p>8 Q. You can answer.</p> <p>9 A. Not that I'm aware of, no.</p> <p>10 Q. Are you aware of whether there's ever been an</p> <p>11 evaluation of the total cost of the registry? So</p> <p>12 looking at things like the amount of time that police</p> <p>13 spend, courts, prosecutors, are you aware of any such</p> <p>14 cost evaluation?</p> <p>15 A. Not that I'm aware of, no.</p> <p>16 Q. Okay. Are you aware of any information about the</p> <p>17 usage by the public of the registry? Like how many</p> <p>18 people use the registry, who uses the registry? Are</p> <p>19 you aware of any documents about that?</p> <p>20 A. No.</p> <p>21 Q. Or any evaluations of that?</p> <p>22 A. No.</p> <p>23 Q. What about usage by law enforcement? Are you aware of</p> <p>24 any documents that look at how law enforcement uses</p> <p>25 the registry?</p> <p style="text-align: center;">Page 181</p>	<p>1 A. No.</p> <p>2 Q. Or how often law enforcement uses the registry?</p> <p>3 A. No.</p> <p>4 Q. Okay. Are you aware of any documents on the</p> <p>5 demographics of registrants?</p> <p>6 A. No.</p> <p>7 Q. Are you aware of documents about violations or</p> <p>8 non-compliance by registrants? By that, I mean like</p> <p>9 not individual incidents, but like evaluations of how</p> <p>10 often people are non-compliant?</p> <p>11 A. No.</p> <p>12 Q. Are you aware of any documents of vigilantism or</p> <p>13 harassment of registrants?</p> <p>14 A. No.</p> <p>15 Q. Are you aware of any evaluations related to the impact</p> <p>16 of registration on recidivism?</p> <p>17 A. No.</p> <p>18 Q. Has the registry ever been audited?</p> <p>19 MR. JAMISON: Objection, it's vague.</p> <p>20 BY MS. AUKERMAN:</p> <p>21 Q. Are you aware of any audits of the registry internally</p> <p>22 within the -- within the MSP?</p> <p>23 A. Not that I'm aware of.</p> <p>24 Q. I believe you mentioned earlier that the SMART office</p> <p>25 sometimes audits the registry, correct?</p> <p style="text-align: center;">Page 182</p>
<p>1 A. Correct.</p> <p>2 Q. Does -- has the Office of the Inspector General ever</p> <p>3 audited the registry?</p> <p>4 A. Yes.</p> <p>5 Q. When was that done?</p> <p>6 A. I don't have an exact date.</p> <p>7 Q. Roughly?</p> <p>8 A. I can't even give you a rough. I think we did look</p> <p>9 into that, somebody looked into it. I think it's at</p> <p>10 their public website, you can see when they last</p> <p>11 audited us.</p> <p>12 Q. Okay. Is the report itself on their website?</p> <p>13 A. I do not know. I didn't even know it existed until</p> <p>14 recently.</p> <p>15 Q. Okay.</p> <p>16 MS. AUKERMAN: So if it's not on the public</p> <p>17 website, we'll need that as well.</p> <p>18 BY MS. AUKERMAN:</p> <p>19 Q. Okay. Do you need a break? Are you doing okay?</p> <p>20 A. I'm okay.</p> <p>21 Q. Okay. So let's talk about usage of the registry. Can</p> <p>22 you tell me who has access to the non-public database?</p> <p>23 A. Those users that have been vetted, such as law</p> <p>24 enforcement, prosecutors, tribal. I think that's it.</p> <p>25 Q. When you say vetted, what do you mean?</p> <p style="text-align: center;">Page 183</p>	<p>1 A. Anybody accessing any of our state police systems has</p> <p>2 to be vetted to determine whether the use is</p> <p>3 appropriate or not.</p> <p>4 Q. Who does that vetting?</p> <p>5 A. Our security and access section.</p> <p>6 Q. So the security and access section within the Michigan</p> <p>7 State Police?</p> <p>8 A. Correct.</p> <p>9 Q. So let's say there's a new -- Trooper Brown is</p> <p>10 hired -- Officer Brown is hired at Grand Rapids Police</p> <p>11 Department. Is Officer Brown vetted by the security</p> <p>12 and access section before being given access? Is that</p> <p>13 how it works?</p> <p>14 A. No. The agency would be vetted as a whole. And then</p> <p>15 there would be a point of contact that we refer to as</p> <p>16 local admins that would be designated in order to</p> <p>17 extend that vetting of their own staff and personnel</p> <p>18 to determine if they should have access or not. And</p> <p>19 if they are, they would assign them that role.</p> <p>20 Q. So the agencies are vetted, not the individuals?</p> <p>21 A. The agencies are vetted. And then they are -- one</p> <p>22 person who's trained and designated -- well, I</p> <p>23 shouldn't say one person. But there are -- could be</p> <p>24 persons who are appointed to have that authority to do</p> <p>25 that within their own agency.</p> <p style="text-align: center;">Page 184</p>

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<p>1 Q. Okay. So let me show you the answer to interrogatory 2 four, which was asking about basically who has access 3 to the registry, the types of agencies, categories of 4 staff. And the answer to that was that there are 5 three thousand, two hundred fifty-one non-MSP users 6 from four hundred and sixty-one non-MSP agencies. Can 7 you see that? 8 A. Yes. 9 MR. JAMISON: Did you mean to put it up on 10 your screen? 11 MS. AUKERMAN: I thought I had done so. 12 Let me do that again. I think we're on Exhibit 15. 13 MARKED FOR IDENTIFICATION: 14 DEPOSITION EXHIBIT 15 15 2:52 p.m. 16 BY MS. AUKERMAN: 17 Q. This is the -- I'll have that marked as Exhibit 15. 18 These are the amended Interrogatories. Do you 19 recognize this document? I'll go up to the top here. 20 A. Right. Yes. 21 Q. Okay. So looking at the response to number four, it 22 says three thousand, two hundred fifty-one non-MSP 23 users, correct? 24 A. I see that, yes. 25 Q. Are those agencies or individuals?</p> <p style="text-align: center;">Page 185</p>	<p>1 A. It says non-MSP users from four hundred sixty-one 2 non-MSP agencies. So that first number are users out 3 of those four hundred and sixty-one agencies. 4 Q. Okay. So each of those three thousand, two hundred 5 fifty-one people would have an -- maybe an individual 6 user with an individual account, correct? 7 A. They're associated with an agency, so they have access 8 through the agency. So it's an account that may have 9 multiple users. 10 Q. Okay. And then what -- what types of agencies are in 11 these four hundred sixty-one non-MSP agencies? 12 A. I don't know off the top of my head. 13 Q. Would that involve local police? 14 A. Correct. 15 Q. And Michigan Department of Corrections? 16 A. Correct. 17 Q. Probation? 18 A. Probation -- like what kind of probation? 19 Q. Like county probation. 20 A. Yes. 21 Q. Federal -- federal law enforcement? 22 A. I don't know. 23 Q. Okay. Federal immigration? 24 A. I don't know. 25 Q. Courts?</p> <p style="text-align: center;">Page 186</p>
<p>1 A. Yes. 2 MS. AUKERMAN: We can go -- we lost 3 Mr. Jamison here. I don't want to proceed without 4 him. We can go off the record. 5 (Off the record 2:55 p.m.) 6 (Back on the record at 3:01 p.m.) 7 MS. AUKERMAN: Back on the record. 8 BY MS. AUKERMAN: 9 Q. We were talking about who uses the database and the 10 different agencies that have access to it. Is there a 11 difference between agencies with read-only access and 12 agencies that have write access? 13 A. Yes. 14 Q. Can you tell me about that. 15 A. So read-only access wouldn't have access to the 16 certain tabs, like fee tab. They wouldn't have access 17 to -- I'm drawing a blank. They wouldn't have access 18 to enter a verification. There's no ability to add 19 anything into the record. They're just being able to 20 look at the information that's there. 21 Q. What agencies have read access? 22 A. Those would be -- I believe it's hospital police, 23 the -- most of our tribal agencies, those prosecutors. 24 And there might be more, but I can't think of them 25 right now.</p> <p style="text-align: center;">Page 187</p>	<p>1 Q. I'm going to share my screen. I think we're on 15 2 here. Actually, this is -- I'm sorry, this is the 3 contract again, which is I'll -- here we go. The 4 contract is Exhibit 4, go back to Exhibit 4. 5 This shows the -- this is what the contract 6 intends or is contemplated under the contract. These 7 are the -- the numbers and types of users. So I 8 wanted to go over whether this is actually what the 9 system can do. 10 It shows that it has the capacity for nine 11 point nine million public citizens to read -- to 12 -- to read what's on the registry. Does that sound 13 right? 14 A. For the public Sex Offender Registry, yes. 15 Q. Okay. And the number of concurrent daily users is 16 five thousand. Does that sound right? 17 A. That's what's stated there, yes. 18 Q. And then with respect to MSP employees, setting aside 19 the super admin, the write access for seven thousand 20 people. Does that sound right? 21 A. At that time, yeah. 22 Q. What about now? 23 A. I think it was a little bit under that. 24 Q. That currently have it? 25 A. Right.</p> <p style="text-align: center;">Page 188</p>

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<p>1 Q. So somewhat less than seven thousand people have write 2 access? 3 A. Right. 4 Q. And read access, it shows a thousand people. Does 5 that sound right? 6 A. Based on that document, yes. 7 Q. Okay. And before when we were looking at the answer, 8 it said three thousand, two hundred fifty-one non-MSP 9 users. Do you know how many MSP users have access? 10 A. Not off the top of my head, no. 11 Q. Do you have a rough idea? 12 A. No. 13 Q. What about usage of the public Sex Offender Registry? 14 The public Sex Offender Registry is available to 15 anybody with access to the internet, is that right? 16 A. Correct. 17 Q. Can you tell me how many people use the public Sex 18 Offender Registry in a given day? 19 A. I cannot. 20 Q. Or in a year? 21 A. I cannot. 22 Q. Okay. Do you know if the old system had a tracker for 23 the number of users? 24 A. I don't know. 25 Q. Do you have to report the number -- the usage of -- of</p> <p style="text-align: center;">Page 189</p>	<p>1 system -- excuse me. 2 Do you have to report how many public -- 3 how often the public uses the system to anyone? 4 A. No. 5 Q. Like the SMART office doesn't care, doesn't ask for 6 how many people use the registry? 7 A. No. 8 Q. I noticed that the home page says due to the volume of 9 users, the public Sex Offender Registry may be 10 unavailable from time to time. Do you recall it 11 saying that? 12 A. Yes. 13 Q. What's the volume of users that would make the 14 registry unavailable? 15 A. I don't know. 16 Q. Is it hundreds? Thousands? 17 A. I don't know. 18 Q. The contract we just looked at had showed five 19 thousand people can use it a day. Do you know if 20 that's the actual limit? Or five thousand concurrent 21 daily users, is that a limit? 22 A. I don't know. 23 Q. Tell me about the types of searches that can be done 24 on the public registry. 25 MR. JAMISON: Objection, vague.</p> <p style="text-align: center;">Page 190</p>
<p>1 BY MS. AUKERMAN: 2 Q. What kind of searches can a user of the public 3 registry do on the registry? 4 A. I believe -- I believe they can search by name. They 5 can do by MDOC number or registration number. They 6 can do by address. I believe they can do by county -- 7 do registrants by county, excuse me. I believe they 8 can do, if I remember correctly, I believe there's the 9 option to run by incarcerated. That's all I can 10 recall at this time. 11 Q. Anything else? 12 A. No. That's all I can recall. 13 Q. Do you need the name of a registrant to do a search? 14 A. No. I believe you can do it by address, you can do an 15 address. 16 Q. So one could search one's workplace and see everybody 17 within a certain radius of that workplace -- 18 A. No. 19 Q. -- who's on the registry? No? 20 A. No. 21 Q. I thought you said you could put in an address? 22 A. Yes. 23 Q. Okay. And search for everybody within a radius of 24 that address? 25 A. No. You can put in an address and find out if there</p> <p style="text-align: center;">Page 191</p>	<p>1 was a registered sex offender at that address. 2 Q. If you put in your home address and you want to see if 3 there are people in your neighborhood who are on the 4 registry, can you do that? 5 A. Yes, I believe so. 6 Q. So you could put in a work address and also find out 7 the people in that neighborhood who are on the 8 registry? 9 A. It may be possible. 10 Q. Tell me about how the email alert accounts work. 11 MR. JAMISON: Objection, vague. 12 BY MS. AUKERMAN: 13 Q. Let me back up for a second. Do you know how many 14 searches are conducted on the -- on how many 15 geographic searches are conducted? 16 A. No. 17 Q. Or how many named searches are conducted? 18 A. No. 19 Q. Are you aware that the system allows the members of 20 the public to sign up for email alerts? 21 A. Yes. 22 Q. Can you tell me how those work. 23 A. If they have someone move into a specific radius, they 24 are notified of a new registrant in their area. 25 Q. They would be notified when the person comes in?</p> <p style="text-align: center;">Page 192</p>

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<p>1 A. When it's -- something's been notified as registered</p> <p>2 in that area.</p> <p>3 Q. If the registrant in that area does an update of some</p> <p>4 kind, does the person receive a new notification?</p> <p>5 A. If they've moved out of the area.</p> <p>6 Q. But not for other types of changes?</p> <p>7 A. No.</p> <p>8 Q. Are there alerts about specific individuals?</p> <p>9 A. I'm sorry, can you --</p> <p>10 Q. Can you sign up to track a particular individual?</p> <p>11 A. Yes, I believe so.</p> <p>12 Q. There was an interrogatory response that said there</p> <p>13 was six thousand, five hundred and six public email</p> <p>14 alert accounts. Do you recall that?</p> <p>15 A. I do not.</p> <p>16 Q. Let me show you that. These are the amended</p> <p>17 Interrogatories, give me a second, we can find the</p> <p>18 exhibit number for those. I believe that's 4. Can</p> <p>19 you see that it shows six thousand, five hundred six</p> <p>20 public email alert accounts?</p> <p>21 A. I see that.</p> <p>22 Q. Okay. Do you know how many of those are for tracking</p> <p>23 an individual?</p> <p>24 A. I do not.</p> <p>25 Q. Or how many are for geographic radius?</p> <p style="text-align: center;">Page 193</p>	<p>1 A. I do not.</p> <p>2 Q. Is there a way to tell that?</p> <p>3 A. I don't know.</p> <p>4 Q. Okay. Let's talk about what information is provided</p> <p>5 to registrants. So what -- what kind of information</p> <p>6 do registrants get to know what their obligations are?</p> <p>7 MR. JAMISON: Objection, lack of</p> <p>8 foundation.</p> <p>9 BY MS. AUKERMAN:</p> <p>10 Q. You can answer.</p> <p>11 A. I'm not sure I understand the question.</p> <p>12 Q. So registrants are required to do a bunch of different</p> <p>13 things under the law, correct?</p> <p>14 MR. JAMISON: Objection, vague.</p> <p>15 BY MS. AUKERMAN:</p> <p>16 Q. SORA has certain requirements for registrants,</p> <p>17 correct?</p> <p>18 A. Correct.</p> <p>19 Q. How do registrants know what those requirements are?</p> <p>20 MR. JAMISON: Objection, lack of</p> <p>21 foundation.</p> <p>22 BY MS. AUKERMAN:</p> <p>23 Q. You can answer.</p> <p>24 A. I guess I'm not understanding.</p> <p>25 Q. So how does a registrant find out what they are</p> <p style="text-align: center;">Page 194</p>
<p>1 supposed to do under SORA?</p> <p>2 MR. JAMISON: Objection, lack of</p> <p>3 foundation.</p> <p>4 BY MS. AUKERMAN:</p> <p>5 Q. You can answer.</p> <p>6 A. Do you mean at the time that they're incarcerated and</p> <p>7 then they are supposed to receive their requirements</p> <p>8 before they leave?</p> <p>9 Q. I'm trying to figure out is what information is being</p> <p>10 provided to registrants to inform them what their</p> <p>11 responsibilities are?</p> <p>12 MR. JAMISON: Objection, lack of</p> <p>13 foundation.</p> <p>14 BY MS. AUKERMAN:</p> <p>15 Q. You can answer.</p> <p>16 A. So according to statute, if they are incarcerated and</p> <p>17 they are getting ready to be released, they receive</p> <p>18 that registration verification update form that</p> <p>19 provides the requirements and cites the statute</p> <p>20 references.</p> <p>21 Q. So the information provided to registrants about what</p> <p>22 the law requires is that verification form?</p> <p>23 A. They go over it with their agents and they are</p> <p>24 provided that form.</p> <p>25 Q. Is there any other information provided to them?</p> <p style="text-align: center;">Page 195</p>	<p>1 MR. JAMISON: Objection, lack of</p> <p>2 foundation.</p> <p>3 BY MS. AUKERMAN:</p> <p>4 Q. That you're aware of.</p> <p>5 A. I'm not aware.</p> <p>6 Q. Okay. And when you said they go over it with their</p> <p>7 agent, how do you know that?</p> <p>8 A. It says it needs to be reviewed.</p> <p>9 Q. You don't know -- personally know whether they go over</p> <p>10 it with their agents?</p> <p>11 A. No.</p> <p>12 Q. So you're not aware of any other information other</p> <p>13 than the registration form that is provided to</p> <p>14 registrant -- the verification form that is provided</p> <p>15 to registrants to explain their duties under the</p> <p>16 statute?</p> <p>17 A. I'm not aware, correct.</p> <p>18 Q. Does the SOR unit create any educational materials for</p> <p>19 registrants?</p> <p>20 A. No. Not that I'm aware of.</p> <p>21 Q. Do you have a help line for registrants to answer</p> <p>22 questions they have?</p> <p>23 A. We have a SOR line that's open to anybody and</p> <p>24 everybody.</p> <p>25 Q. And I believe you testified earlier that you don't</p> <p style="text-align: center;">Page 196</p>

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<p>1 provide advice over that line, correct?</p> <p>2 A. That is correct.</p> <p>3 Q. And if a registrant calls with a question about what</p> <p>4 their requirements are, what do you tell them?</p> <p>5 A. If they think they're required to register, to</p> <p>6 register. Otherwise, they should contact legal</p> <p>7 representative to determine whether they should or</p> <p>8 shouldn't be registering.</p> <p>9 Q. Okay. So they have to go talk to a lawyer?</p> <p>10 A. Essentially, yes.</p> <p>11 Q. Do you refer them at all to local law enforcement?</p> <p>12 A. Generally, no.</p> <p>13 Q. What about the prosecutor's office?</p> <p>14 A. No.</p> <p>15 Q. Okay. What if they have a question about like do they</p> <p>16 have to register, you know, that volunteer job. Do</p> <p>17 you -- what do you tell them to do if they have a</p> <p>18 question about what they have to do?</p> <p>19 A. We just refer them to the spot in statute and tell</p> <p>20 them they need to seek legal advice if they have</p> <p>21 additional questions regarding it.</p> <p>22 Q. What about -- tell me about what information is</p> <p>23 provided to law enforcement about what the law</p> <p>24 requires. What are the most common questions that the</p> <p>25 SOR unit gets from law enforcement about the law?</p> <p style="text-align: center;">Page 197</p>	<p>1 A. I don't know that I can say. I didn't answer the</p> <p>2 phones.</p> <p>3 Q. Did law enforcement call the SOR unit sometimes with</p> <p>4 questions?</p> <p>5 A. I imagine they did.</p> <p>6 Q. What kind of information was provided to law</p> <p>7 enforcement when they called?</p> <p>8 A. I'm sorry, I'm not understanding.</p> <p>9 Q. So if law enforcement calls the SOR unit with</p> <p>10 questions, are those questions answered?</p> <p>11 A. Can you expand on that.</p> <p>12 Q. I guess what I'm trying to get at is -- it sounds like</p> <p>13 we lost Eric again. Let's go off the record.</p> <p>14 (Off the record 3:20 p.m.)</p> <p>15 (Back on the record at 3:21 p.m.)</p> <p>16 MS. AUKERMAN: Back on the record.</p> <p>17 BY MS. AUKERMAN:</p> <p>18 Q. You were talking about what information is provided to</p> <p>19 law enforcement. So let's say an officer is unsure</p> <p>20 about what internet information to collect from</p> <p>21 somebody. Where would that officer go to get</p> <p>22 information about what to do?</p> <p>23 MR. JAMISON: Objection, lack of</p> <p>24 foundation.</p> <p>25 BY MS. AUKERMAN:</p> <p style="text-align: center;">Page 198</p>
<p>1 Q. You can answer.</p> <p>2 A. We would direct them to their own chain of command.</p> <p>3 We don't -- we're not privy to telling them what to</p> <p>4 do. We direct them to the statute. We direct them to</p> <p>5 go through their own chain of command.</p> <p>6 Worst case scenario, if they're persistent</p> <p>7 and won't get off the phone, we may tell them what we</p> <p>8 advise our troopers to do. But otherwise, we try to</p> <p>9 avoid that if at all possible, since we have no</p> <p>10 authority over their -- over the locals.</p> <p>11 Q. So the trooper in Grand Rapids would go up the chain</p> <p>12 of command and ask there what internet information to</p> <p>13 report. And the trooper in Kalamazoo would go up the</p> <p>14 chain of command there to ask what internet</p> <p>15 information to report, is that right?</p> <p>16 A. Usually --</p> <p>17 MR. JAMISON: Objection.</p> <p>18 BY MS. AUKERMAN:</p> <p>19 Q. You can answer.</p> <p>20 MR. JAMISON: Mischaracterizes her</p> <p>21 testimony.</p> <p>22 BY MS. AUKERMAN:</p> <p>23 Q. I'm just asking a question. So you can answer.</p> <p>24 A. A trooper we can respond to.</p> <p>25 Q. Okay. So a police officer -- a police officer in</p> <p style="text-align: center;">Page 199</p>	<p>1 Grand Rapids who is unsure what internet information</p> <p>2 to collect would go up their chain of command,</p> <p>3 correct?</p> <p>4 A. A local.</p> <p>5 Q. A local police officer, yeah.</p> <p>6 A. Correct.</p> <p>7 Q. And a local police officer in Kalamazoo would go up</p> <p>8 their chain of command to find that out, correct?</p> <p>9 A. Yeah.</p> <p>10 Q. And the chain of command might have different answers,</p> <p>11 correct?</p> <p>12 MR. JAMISON: Objection, lack of</p> <p>13 foundation.</p> <p>14 BY MS. AUKERMAN:</p> <p>15 Q. You can answer.</p> <p>16 A. I don't know.</p> <p>17 Q. But there's no centralized guidance provided to local</p> <p>18 law enforcement about, say, what internet information</p> <p>19 to collect, correct?</p> <p>20 MR. JAMISON: Objection, lack of</p> <p>21 foundation.</p> <p>22 BY MS. AUKERMAN:</p> <p>23 Q. You can answer.</p> <p>24 A. Not that I'm aware of.</p> <p>25 Q. And you mentioned there's something that you tell</p> <p style="text-align: center;">Page 200</p>

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<p>1 troopers to do, what is that?</p> <p>2 A. Can you expand on that.</p> <p>3 Q. You said something about what you advise troopers to</p> <p>4 do. If you have someone on the call, you said worst</p> <p>5 case we would give them -- they stay on the phone,</p> <p>6 something about a -- how you would tell them about</p> <p>7 what you advised troopers to do. So I want to</p> <p>8 understand what that is.</p> <p>9 A. I don't know what you're speaking of specifically,</p> <p>10 like.</p> <p>11 MS. AUKERMAN: Can we have that read back.</p> <p>12 (The requested portion of the record was</p> <p>13 read by the reporter at 3:25 p.m.)</p> <p>14 BY MS. AUKERMAN:</p> <p>15 Q. When you said advise our troopers to do -- that's what</p> <p>16 I meant. What do you advise the MSP troopers to do?</p> <p>17 A. I guess that's subjective to the question</p> <p>18 specifically. But that is why I use the word may</p> <p>19 advise. Because there's some things we don't -- we</p> <p>20 don't provide direction on, period. We're not --</p> <p>21 we're not the law enforcement. We're not legal in the</p> <p>22 SOR unit.</p> <p>23 So the only -- the example that comes to</p> <p>24 mind that I may provide would be if they're</p> <p>25 determining whether they should collect a fee at a</p> <p style="text-align: center;">Page 201</p>	<p>1 certain time. And we refer to statute, that it's in</p> <p>2 that first registration cycle or verification cycle.</p> <p>3 And so, they continue to ask questions, if</p> <p>4 they can collect it at other times or something. And</p> <p>5 we just say, as we tell our troopers, it's in the</p> <p>6 first verification cycle only, unless they want to pay</p> <p>7 forward. But that's not -- we don't require that</p> <p>8 collection any other time, only that first period.</p> <p>9 Q. Okay. That's helpful. If an MSP trooper has</p> <p>10 questions about what internet information to collect,</p> <p>11 how does that trooper get information?</p> <p>12 A. We may refer them to the SOR enforcement unit.</p> <p>13 Q. So the SOR enforcement unit would provide guidance to</p> <p>14 -- let me correct that.</p> <p>15 Do you know if the SOR enforcement unit</p> <p>16 provides guidance to troopers about what the</p> <p>17 requirements are?</p> <p>18 A. I do not know.</p> <p>19 Q. Do you know if there are anymore detailed instructions</p> <p>20 for law enforcement about what information should be</p> <p>21 collected from registrants?</p> <p>22 MR. JAMISON: Objection, lack of</p> <p>23 foundation.</p> <p>24 BY MS. AUKERMAN:</p> <p>25 Q. You can answer.</p> <p style="text-align: center;">Page 202</p>
<p>1 A. Outside of our --</p> <p>2 Q. Outside of what's on the verification form.</p> <p>3 A. Okay. Only during the time that we have the</p> <p>4 injunction order did we send out -- the department</p> <p>5 send out official correspondence about not taking</p> <p>6 action against an individual registrant. And that's</p> <p>7 it.</p> <p>8 Q. So is there -- but there's not -- is there a manual</p> <p>9 where, for example, law enforcement could look up and</p> <p>10 say this type of internet identifier has to be</p> <p>11 reported and this one doesn't?</p> <p>12 A. No.</p> <p>13 Q. Or could look up this type of employment is not</p> <p>14 frequent enough, so it doesn't have to be reported?</p> <p>15 A. No.</p> <p>16 Q. There's no manual or guide like that?</p> <p>17 A. No.</p> <p>18 Q. All right. I want to talk about your workload, which</p> <p>19 I'm sure -- or what it was while you were --</p> <p>20 A. I was going to say.</p> <p>21 Q. Kind of what it takes to run the registry. I mean,</p> <p>22 it's a big job running the registry.</p> <p>23 A. Okay.</p> <p>24 Q. Yes?</p> <p>25 A. Yes.</p> <p style="text-align: center;">Page 203</p>	<p>1 Q. And it sounds like from what we've been talking about</p> <p>2 today, it requires involvement from the SOR unit, the</p> <p>3 enforcement unit, the Department of Corrections, local</p> <p>4 law enforcement, Michigan State Police posts, tribal</p> <p>5 government, federal government. There's a lot of</p> <p>6 different agencies involved in the registry process,</p> <p>7 is that fair to say?</p> <p>8 A. Yes.</p> <p>9 Q. So I want to get a sense of kind of all of the work</p> <p>10 that goes into maintaining this registry. So starting</p> <p>11 with the initial registration for a new registrant,</p> <p>12 what's involved in that?</p> <p>13 A. So there are many different ways someone gets</p> <p>14 registered. Is there a specific action you're --</p> <p>15 you're talking about? Are you --</p> <p>16 Q. How's that done. Sorry, I interrupted you. How's</p> <p>17 that done, the initial registration?</p> <p>18 A. The person presents, information is collected on</p> <p>19 that -- that would be applicable to that form. It's</p> <p>20 transferred to the system as they are collecting it.</p> <p>21 It's reviewed and given a copy to the individual after</p> <p>22 they sign -- or excuse me -- they review it and then</p> <p>23 they sign it.</p> <p>24 And once that's all in the system and</p> <p>25 captured, it's sent to us. We review it. We make</p> <p style="text-align: center;">Page 204</p>

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<p>1 sure it's packed, it has all the details necessary to</p> <p>2 properly tier the individual. And then it's</p> <p>3 activated.</p> <p>4 Q. From the side of the -- the MDOC person or police</p> <p>5 officers who is doing that initial collection of</p> <p>6 information, how long would you estimate that that</p> <p>7 takes, that initial registration?</p> <p>8 MR. JAMISON: Objection, lack of</p> <p>9 foundation.</p> <p>10 BY MS. AUKERMAN:</p> <p>11 Q. You can answer.</p> <p>12 A. Honestly, it varies.</p> <p>13 Q. Varies between what, do you think?</p> <p>14 A. It varies on what information is provided. If they're</p> <p>15 having trouble -- if -- especially if they're</p> <p>16 out-of-state convictions, trying get those details of</p> <p>17 victim age, the actual true conviction, if there's</p> <p>18 missed -- it's -- if there's conflicting information,</p> <p>19 trying to substantiate that, it could take forever for</p> <p>20 somebody to call us back on something.</p> <p>21 Even from getting signatures from the</p> <p>22 individuals at incarceration. As the individual moves</p> <p>23 around, once they're moved, it takes time to get back</p> <p>24 to that individual to get appropriate signatures or</p> <p>25 get confirmation of details or waiting for the court</p> <p style="text-align: center;">Page 205</p>	<p>1 processes.</p> <p>2 There's all different kinds of reasons</p> <p>3 something could prolong the process. So there is no</p> <p>4 set times specifically on when this has to or -- to</p> <p>5 tell you how long something should take.</p> <p>6 Q. So if everything goes smoothly, it's a Michigan</p> <p>7 conviction, the person, you know, the -- the person</p> <p>8 collects the information, sends it to you, how long</p> <p>9 would you -- how much total time do you think is</p> <p>10 somebody working on that initial registration?</p> <p>11 A. Are you asking me to guess?</p> <p>12 Q. No, I'm not asking you to guess. I'm asking you to</p> <p>13 estimate. So the officer who's collecting the -- or</p> <p>14 the MDOC person who's doing the initial entry, how</p> <p>15 much would you estimate -- how much time would you</p> <p>16 estimate it takes to do that initial entry in a simple</p> <p>17 case?</p> <p>18 A. If everything was -- was already there, we didn't have</p> <p>19 to do any followup or ask any additional questions, it</p> <p>20 could be completed in -- from the time the person</p> <p>21 starts the review -- within twenty-four hours.</p> <p>22 Q. How much time is the person actively working on it?</p> <p>23 Like the MDOC person who's working on it.</p> <p>24 A. I can't --</p> <p>25 MR. JAMISON: Objection, lack of</p> <p style="text-align: center;">Page 206</p>
<p>1 foundation.</p> <p>2 A. I can't speak to MDOC.</p> <p>3 BY MS. AUKERMAN:</p> <p>4 Q. What about for you? How much time does your unit</p> <p>5 spend on an initial registration, a simple one?</p> <p>6 A. That's what I was referring to when I spoke to the</p> <p>7 twenty-four hours.</p> <p>8 Q. So it takes twenty-four hours of staff time is what</p> <p>9 you're saying?</p> <p>10 A. A single member.</p> <p>11 Q. Okay. What about a complex one?</p> <p>12 A. It could take months.</p> <p>13 Q. How much actual staff time is spent on that? So like</p> <p>14 you're waiting for somebody to respond, so it's taking</p> <p>15 months. How much actual staff time is being used?</p> <p>16 A. That's never been evaluated, I don't know. This is</p> <p>17 what they do all day long, every day.</p> <p>18 Q. They being the analysts?</p> <p>19 A. The techs.</p> <p>20 Q. Okay. How long does a verification take?</p> <p>21 A. We don't do verifications.</p> <p>22 Q. Can you estimate how long a police officer -- it would</p> <p>23 take a police officer to do a verification?</p> <p>24 MR. JAMISON: Objection, lack of</p> <p>25 foundation.</p> <p style="text-align: center;">Page 207</p>	<p>1 BY MS. AUKERMAN:</p> <p>2 Q. You can answer.</p> <p>3 A. I don't know. I haven't -- I don't know.</p> <p>4 Q. Let's talk about the requirements. Can you describe</p> <p>5 your understanding of what registrants' reporting</p> <p>6 requirements are?</p> <p>7 A. Reporting requirements -- what the reporting</p> <p>8 requirements are, I'm sorry?</p> <p>9 Q. Yeah. What the reporting requirements are?</p> <p>10 A. You want me to repeat everything from the form, or?</p> <p>11 Q. Well, let's -- I guess, let's just go through this.</p> <p>12 Address information, does that need to be reported?</p> <p>13 A. During verification, to be clear?</p> <p>14 Q. That's a fair response. So does a registrant have to</p> <p>15 report their address information to law enforcement?</p> <p>16 It's not a trick question.</p> <p>17 A. I was just thinking. So statute requires at time of</p> <p>18 verification that they report their address or within</p> <p>19 three business days -- I believe it's three business</p> <p>20 days of moving.</p> <p>21 Q. And what addresses have to get reported?</p> <p>22 A. Residential addresses, employment addresses, school</p> <p>23 addresses -- higher education, excuse me, addresses,</p> <p>24 volunteer addresses.</p> <p>25 Q. What if someone spent a couple nights at his partner's</p> <p style="text-align: center;">Page 208</p>

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<p>1 house? Does he have to report that?</p> <p>2 A. No. Not just for two nights.</p> <p>3 Q. How long could he spend there before he'd have to</p> <p>4 report it?</p> <p>5 A. If I recall what statute says, it's if they -- if that</p> <p>6 is where they're spending, I believe -- how does it</p> <p>7 say it -- lay their head there. Well, if they're</p> <p>8 going to be anywhere in their place over seven days,</p> <p>9 they report. It also says something to the effect</p> <p>10 about other addresses if they're spending a majority</p> <p>11 or -- or laying their head there most of the time or</p> <p>12 something to that effect. I'm sorry, I can't</p> <p>13 recall --</p> <p>14 Q. You're not --</p> <p>15 A. -- what it says.</p> <p>16 Q. You're not sure how many nights they would need to</p> <p>17 spend before they would have to report it?</p> <p>18 MR. JAMISON: Objection, mischaracterizes</p> <p>19 her testimony.</p> <p>20 BY MS. AUKERMAN:</p> <p>21 Q. Do you know how many nights they would need to spend</p> <p>22 before they would have to report it?</p> <p>23 A. Over seven.</p> <p>24 Q. What if they spent two nights a week for a month?</p> <p>25 Would they have to report that?</p> <p style="text-align: center;">Page 209</p>	<p>1 A. I would say no.</p> <p>2 Q. What -- who qualifies to registers as homeless?</p> <p>3 A. Who qualifies, so if the individual reports they're</p> <p>4 homeless.</p> <p>5 Q. What if that homeless person is couch surfing and</p> <p>6 spends four nights here -- doesn't have a home, but</p> <p>7 spend four nights here, four nights there, one night</p> <p>8 on the street, four nights with another friend? What</p> <p>9 is that person supposed to report?</p> <p>10 A. Homeless.</p> <p>11 Q. If they spent seven nights at a friend's house, what</p> <p>12 would they have to report?</p> <p>13 A. Seven nights?</p> <p>14 Q. Uh-huh.</p> <p>15 A. I wouldn't expect them to report anything other than</p> <p>16 homeless at that point, unless they go over.</p> <p>17 Q. So say they spend eight nights?</p> <p>18 A. Well, then I would think they would be reporting that</p> <p>19 if they're staying there.</p> <p>20 Q. Is that a temporary address or a residential address?</p> <p>21 A. I cannot speak to temporary address.</p> <p>22 Q. You don't know if it's a temporary address?</p> <p>23 A. No, I don't know.</p> <p>24 Q. Okay. What about employment? That also has to be</p> <p>25 reported, correct?</p> <p style="text-align: center;">Page 210</p>
<p>1 A. Correct.</p> <p>2 Q. Okay. And what employment information has to be</p> <p>3 reported?</p> <p>4 A. The address, the start date.</p> <p>5 Q. Anything else?</p> <p>6 A. They can give the name if they have that available.</p> <p>7 Q. What does a person report if their worksite changes</p> <p>8 from day-to-day?</p> <p>9 A. They report the main company, the main -- the main --</p> <p>10 I don't know what you would refer to it, the main</p> <p>11 site. As in --</p> <p>12 Q. So --</p> <p>13 A. -- they report the trucking company address and they</p> <p>14 are in and out all the time.</p> <p>15 Q. So they don't have to report their travel route, their</p> <p>16 -- from trucking?</p> <p>17 A. During trucking?</p> <p>18 Q. I thought you were saying if someone does like a</p> <p>19 trucking company.</p> <p>20 A. If somebody works for a trucking company, they're on</p> <p>21 the road, so they're not at a site. So they just say</p> <p>22 I work for a trucking company, here's my site.</p> <p>23 Q. Do they have to report their routes of travel?</p> <p>24 A. No. They're not required to report their routes of</p> <p>25 travel.</p> <p style="text-align: center;">Page 211</p>	<p>1 Q. What if somebody works at like a Walmart on Main</p> <p>2 Street and they get assigned for a day to go work on</p> <p>3 the Walmart at the 28th Street? Do they have to</p> <p>4 report that?</p> <p>5 A. No. I don't know of a requirement to report that.</p> <p>6 Q. If they got assigned to the Walmart for -- on 28th</p> <p>7 Street for a month, would they have to report that?</p> <p>8 A. I don't believe so.</p> <p>9 Q. If they got -- how long would they have to be assigned</p> <p>10 to a Walmart at 28th Street before they would have to</p> <p>11 report that?</p> <p>12 A. They're still working at Walmart, I don't -- I don't</p> <p>13 know.</p> <p>14 Q. Do you have to report if you leave employment?</p> <p>15 A. Yes.</p> <p>16 Q. What if you're temporarily laid off?</p> <p>17 A. You still report if you're laid off.</p> <p>18 Q. So you're laid off for two weeks, you have to report</p> <p>19 that you're laid off and then you have to report that</p> <p>20 you started again?</p> <p>21 A. If you're not working, you report when you're not</p> <p>22 working. If you're working, you report you are</p> <p>23 working.</p> <p>24 Q. What about odd jobs? Like walking a dog or selling</p> <p>25 snow that you get paid for, do you have to report</p> <p style="text-align: center;">Page 212</p>

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<p>1 that?</p> <p>2 A. A lot of people report those under personal</p> <p>3 employment -- yeah, self-employment, I'm sorry, excuse</p> <p>4 me.</p> <p>5 Q. Say that again.</p> <p>6 A. If they are self-employed, they report it.</p> <p>7 Q. Okay. But if you're not doing this as a regular gig,</p> <p>8 right, you're not a dog walker, you just -- your</p> <p>9 neighbor says hey, I'm gone on vacation this week,</p> <p>10 will you walk the dogs this week, I'll give you fifty</p> <p>11 bucks, do you have to report that?</p> <p>12 A. If they're self-employed, they have to report that.</p> <p>13 They're required to report that if they're</p> <p>14 self-employed. It's not for me to determine what type</p> <p>15 of -- what type of -- what qualifies as employment.</p> <p>16 Q. So you're not able to say what qualifies as</p> <p>17 employment?</p> <p>18 A. I'm not to -- I'm only the keeper of the records. I'm</p> <p>19 not to tell them how or what is to be reported other</p> <p>20 than if you are employed, then you are employed and</p> <p>21 you report it.</p> <p>22 Q. What about volunteer work? You mentioned that, is</p> <p>23 that reportable?</p> <p>24 A. Yes.</p> <p>25 Q. What counts as reportable volunteer work?</p> <p style="text-align: center;">Page 213</p>	<p>1 A. As defined under definitions.</p> <p>2 Q. Okay. So can you explain that.</p> <p>3 A. It's defined in -- as a volunteerism.</p> <p>4 Q. So let's talk about some examples there. Like if you</p> <p>5 volunteer at a soup kitchen once a week, do you have</p> <p>6 to report that?</p> <p>7 A. The statute says they have to report if it's a</p> <p>8 volunteerism. If they're volunteering, then I would</p> <p>9 expect them to report.</p> <p>10 Q. So any kind of volunteer work has to be reported?</p> <p>11 A. If they're volunteering.</p> <p>12 Q. Even if it's a onetime thing?</p> <p>13 A. I don't recall of any time frames or conditions or</p> <p>14 criteria of volunteerism to determine whether someone</p> <p>15 reports or not. Only that if they're volunteering,</p> <p>16 that they are volunteering, they report it.</p> <p>17 Q. So is your answer that even one day of volunteering</p> <p>18 has to be reported?</p> <p>19 A. I'm saying the statute says volunteerism, to report</p> <p>20 volunteerism. I don't know the criteria that says how</p> <p>21 many days, how many hours.</p> <p>22 Q. Are you saying you're not sure whether one day would</p> <p>23 have to be reported?</p> <p>24 A. I'm saying the statute doesn't say or have criteria on</p> <p>25 how many days or how many hours. It says if they're</p> <p style="text-align: center;">Page 214</p>
<p>1 volunteering to report volunteerism.</p> <p>2 Q. Let's talk about phones. What phone information has</p> <p>3 to be reported?</p> <p>4 A. The phone number.</p> <p>5 Q. Which phone numbers?</p> <p>6 A. Phone numbers they're using.</p> <p>7 Q. What about historical numbers? Like I used to have</p> <p>8 this phone number, do I have to report that?</p> <p>9 A. It's the phone numbers they're using.</p> <p>10 Q. So it's only currently used?</p> <p>11 A. To my knowledge of statute, it says they're using;</p> <p>12 your current phone number you're using.</p> <p>13 Q. What about if somebody's phone is dead and they use a</p> <p>14 friend's cell phone to make some calls? Is that a</p> <p>15 reportable number?</p> <p>16 A. Again, I -- if the statute says they're supposed to</p> <p>17 report the phone numbers they're using, they're</p> <p>18 reporting it, then I'm guessing they're saying that</p> <p>19 they're using this phone.</p> <p>20 Q. But do they have to report it?</p> <p>21 MR. JAMISON: Objection, asked and</p> <p>22 answered.</p> <p>23 BY MS. AUKERMAN:</p> <p>24 Q. You can answer.</p> <p>25 A. I'm sorry, what's the question?</p> <p style="text-align: center;">Page 215</p>	<p>1 Q. Does a person have to report a phone number if they</p> <p>2 borrow another person's phone because their own phone</p> <p>3 is dead?</p> <p>4 A. I refer to the statute again. If it says -- if</p> <p>5 they're saying -- if they're reporting a phone number</p> <p>6 because they say they're using it, then they're</p> <p>7 reporting it. It says they're supposed to report the</p> <p>8 phone number they're using. It's not for me to say</p> <p>9 they have to meet a certain minute usage.</p> <p>10 Q. What if somebody starts using a texting app like</p> <p>11 Google Voice that gives you a new number? Do you have</p> <p>12 to report that? You know, some of these phone apps,</p> <p>13 they'll give you a temporary number so that people</p> <p>14 can't see your real number. Is that a reportable</p> <p>15 number?</p> <p>16 A. If it's a phone number they're using and they're</p> <p>17 reporting it, we're accepting it.</p> <p>18 Q. I'm not asking about whether you're accepting it. I'm</p> <p>19 asking whether they're required to report it?</p> <p>20 A. I do not enforce what they're reporting. I'm the</p> <p>21 record -- the keeper of the records. So I'm not</p> <p>22 enforcing. We wouldn't answer that question if</p> <p>23 somebody called us and asked us.</p> <p>24 Q. Okay. What about vehicle information? The law says a</p> <p>25 vehicle owned or operated by a person, is that what</p> <p style="text-align: center;">Page 216</p>

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<p>1 has to be reported?</p> <p>2 A. Correct.</p> <p>3 Q. What about a rental car? Does that need to be</p> <p>4 reported?</p> <p>5 A. If it's owned or operated and they are reporting it, I</p> <p>6 accept it.</p> <p>7 Q. But you don't know whether they have to -- they're</p> <p>8 required to report it?</p> <p>9 A. Again, it's not for me to determine what to tell them</p> <p>10 what they have to report. I'm just the record-keeper</p> <p>11 on this end.</p> <p>12 Q. For internet information, if a person sets up an</p> <p>13 online bank account, is that something they have to</p> <p>14 report?</p> <p>15 A. I'm sorry, say that again.</p> <p>16 Q. If someone sets up an online bank account and they</p> <p>17 have a user name for a bank account, is that something</p> <p>18 they have to report?</p> <p>19 A. I -- if they're reporting it as a user name, I'm</p> <p>20 accepting it. I don't -- I wouldn't give them --</p> <p>21 anyone direction on if they had to report that or not.</p> <p>22 Q. So you wouldn't give people direction about what kind</p> <p>23 of internet information they have to report, correct?</p> <p>24 A. No. Correct.</p> <p>25 Q. Do you know how -- how is the internet information</p> <p style="text-align: center;">Page 217</p>	<p>1 used after it's reported?</p> <p>2 A. I do not know.</p> <p>3 Q. Do you know if it's used in some way?</p> <p>4 A. I do not know.</p> <p>5 Q. Now, for the pre-2011 registrants, they don't have to</p> <p>6 report electronic identifiers and internet</p> <p>7 identifiers, correct?</p> <p>8 A. Correct.</p> <p>9 Q. Okay. But some of them had previously reported that</p> <p>10 kind of information, right?</p> <p>11 A. Correct.</p> <p>12 Q. What was done with the information that's in the</p> <p>13 system that they previously reported?</p> <p>14 A. As they are coming back in, the agencies are directed</p> <p>15 to remove them. If we run across them for whatever</p> <p>16 reason, we remove them.</p> <p>17 Q. It sounds like that's in process?</p> <p>18 A. At some point.</p> <p>19 Q. Okay. Do you have a sense of how close you are to</p> <p>20 completing that removal process?</p> <p>21 A. I do not.</p> <p>22 Q. Do you know if there's been any impact from not having</p> <p>23 that information available for pre-2011 registrants?</p> <p>24 MR. JAMISON: Objection, vague and lack of</p> <p>25 foundation.</p> <p style="text-align: center;">Page 218</p>
<p>1 BY MS. AUKERMAN:</p> <p>2 Q. You can answer.</p> <p>3 A. I do not know.</p> <p>4 Q. You're not aware of any impacts of not having that</p> <p>5 information available?</p> <p>6 A. I'm not aware.</p> <p>7 Q. Have you received any complaints from law enforcement</p> <p>8 that that information is no longer available?</p> <p>9 A. Say that again.</p> <p>10 Q. Have you received any complaints from law enforcement</p> <p>11 that for pre-2011 registrants internet information is</p> <p>12 not available?</p> <p>13 A. I may have had some comments, but not complaints, no.</p> <p>14 Q. When you say comments, what do you mean?</p> <p>15 A. Just agency oh -- law enforcement asking where it is,</p> <p>16 why isn't it there. And we explain to them again why.</p> <p>17 And that's it.</p> <p>18 Q. So they just want to know why it's not --</p> <p>19 A. Correct.</p> <p>20 Q. -- in the system?</p> <p>21 What about education? What does a person</p> <p>22 have to report with respect to education?</p> <p>23 A. Attendance to higher education.</p> <p>24 Q. What about if someone takes like a class at a</p> <p>25 community college or community center? Like taking a</p> <p style="text-align: center;">Page 219</p>	<p>1 taekwondo class, do you have to report that?</p> <p>2 A. Again, if they report it, I accept it. I do not</p> <p>3 provide guidance on what is to be reported to anyone.</p> <p>4 Q. What about travel? What travel information needs to</p> <p>5 be reported?</p> <p>6 A. If they're travelling out of country.</p> <p>7 Q. What about other -- what else?</p> <p>8 A. I'm drawing a blank.</p> <p>9 Q. Like domestic travel.</p> <p>10 A. If they're going to be gone for more than seven days,</p> <p>11 then they're to report that they're leaving.</p> <p>12 Q. What if a person is travelling out of state for a</p> <p>13 week, but they don't have very firm plans on what</p> <p>14 they're going to do, what do they have to report?</p> <p>15 A. Just that they're leaving if it's going to be over</p> <p>16 those seven days.</p> <p>17 Q. Do they have to report where they're going?</p> <p>18 A. Not for just domestic vacation time. If they were</p> <p>19 going over twenty-one days and out of the country,</p> <p>20 they have to report any flight information, any --</p> <p>21 where they're going to be at, address information, any</p> <p>22 rental information, any things having to do with</p> <p>23 out-of-country travel.</p> <p>24 Q. So for out-of-country travel, what if someone doesn't</p> <p>25 have a firm itinerary?</p> <p style="text-align: center;">Page 220</p>

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<p>1 A. Then they don't have a firm itinerary; I take what 2 they report to me. 3 Q. What if somebody reports that they're going out of 4 state and they're planning to stay at XYZ motel, but 5 they get there and it's full and they end up staying 6 somewhere else, are they supposed to -- what are they 7 supposed to do then? 8 A. They've already reported that they're leaving. And 9 so, there's -- there's nothing that I do. I take what 10 they report. I don't do followup or -- only to ensure 11 that if they're returning on the day they said they 12 were going to return. And even then, that's reported 13 to the local agency, not us directly. 14 MS. AUKERMAN: Let's look at -- I think 15 this is 17. This is 16. 16 MARKED FOR IDENTIFICATION: 17 DEPOSITION EXHIBIT 16 18 3:57 p.m. 19 BY MS. AUKERMAN: 20 Q. Can you tell me what this is? 21 A. Notification of international travel of sex offender. 22 Q. How is this used? 23 A. This one -- yeah, this one is about if they're leaving 24 out of the country. And this is what I was referring 25 to about reporting their departure date, how they are</p> <p style="text-align: center;">Page 221</p>	<p>1 going to get there, any flight information. 2 Q. Who fills this out? 3 A. They report it to the local jurisdiction and they 4 generate this form. 5 Q. Is it generated in the MSOR database? 6 A. Correct. So some of this is prepopulated from the 7 MSOR and the rest they fill in with the individual. 8 Q. So -- so I'm understanding, the person comes in, says 9 I'm going to Canada and -- next month. Is there a 10 screen in MSOR that the officer goes to to fill this 11 out? 12 A. No. It's just the general -- it already has the 13 information unless -- excuse me. It already has the 14 general information so that they can generate it. And 15 then it'll populate with like the offense information, 16 dates of conviction, that -- those details. And then 17 the name and information on top, but the -- then the 18 travel information and any other information they are 19 filling out together. 20 Q. And that information that's the -- they're filling out 21 together, is that filled out in MSOR or on this form? 22 A. On this form. 23 Q. And then what happens with this form once it's filled 24 out? 25 A. I believe if you look down further, it says it gets</p> <p style="text-align: center;">Page 222</p>
<p>1 faxed to or emailed to NSOTC on the bottom. 2 Q. This is, by the way, Bates 309. 3 A. I don't see it. But I thought it said to fax or -- 4 there it is, right there. 5 Q. I'm sorry, where? 6 A. On the bottom of the first page. 7 Q. So it's emailed or sent to the DOJ, to the sex 8 offender travel? 9 A. Uh-huh. 10 Q. What's IOD? 11 A. I don't know. 12 Q. Does your unit -- is your unit involved in this in 13 some way? 14 A. No. 15 Q. So this happens directly between the local law 16 enforcement and the U.S. Marshals Service? 17 A. Local law enforcement and the registrant, and the user 18 is required to send it. 19 Q. The user being the local law enforcement? 20 A. Correct. 21 Q. And then it's sent to the Marshals? 22 A. It's sent to the email, and I don't know where it goes 23 from there. 24 Q. Okay. Do you know what happens with it after it 25 arrives?</p> <p style="text-align: center;">Page 223</p>	<p>1 A. I do not. 2 Q. Let's talk about the 2021 SORA changes. You're aware 3 that the statute changed effective March 2021, 4 correct? 5 A. Correct. 6 Q. Were you aware that it was -- there was a legislative 7 work group that worked on developing a new statute? 8 A. I do know that my manager was attending meetings. I 9 don't know if that was part of the work group or not. 10 Q. That was Elizabeth Arritt? 11 A. That is correct. 12 Q. Do you know what her role was? 13 A. She was my manager of the SOR unit. 14 Q. Sorry, I wasn't clear. Do you know what involvement 15 she had with that work group? 16 A. No. I don't even know if she was going to the work 17 group. I was just saying I know she was going to 18 meetings for the purpose of the legislative changes. 19 But I don't know if she was part of the work group or 20 not. I cannot confirm. 21 Q. Do you know was the SOR unit involved in development 22 of the new statute? 23 A. I do not. 24 Q. You don't know if it was involved? 25 A. I don't know.</p> <p style="text-align: center;">Page 224</p>

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<p>1 Q. Do you know if the SOR unit was requested to provide</p> <p>2 any data to people working on the statute?</p> <p>3 A. I do not.</p> <p>4 Q. To your knowledge, there was no data provided?</p> <p>5 A. I don't know.</p> <p>6 Q. You're not aware of any legislators asking for data</p> <p>7 from the SOR unit?</p> <p>8 A. I don't know.</p> <p>9 Q. Once the new statute was passed, what did the SOR unit</p> <p>10 do to implement changes in the law?</p> <p>11 A. We had to update our forms. We had work group</p> <p>12 meetings amongst ourselves so management could advise</p> <p>13 what those changes were and how they were going to</p> <p>14 reflect. I can't recall exactly, but we may have made</p> <p>15 some adjustments to the system itself.</p> <p>16 Q. Do you recall what any of those adjustments might have</p> <p>17 been?</p> <p>18 A. No, I do not. I know we had to update policies and</p> <p>19 procedures as well.</p> <p>20 Q. When you say you updated the forms, what forms got</p> <p>21 updated?</p> <p>22 A. The verification, the registration verification update</p> <p>23 form, the mail-in -- I believe the mail-in update form</p> <p>24 was created as a result.</p> <p>25 Q. Was there any other things that the unit did to</p> <p style="text-align: center;">Page 225</p>	<p>1 implement the statute?</p> <p>2 A. Not that I recall at this time.</p> <p>3 Q. Were there any kind of internal instructions that got</p> <p>4 generated?</p> <p>5 A. For our team, the unit?</p> <p>6 Q. Yeah.</p> <p>7 A. Yeah. We had many discussions as a team and the</p> <p>8 manager told us what we were doing and why -- what</p> <p>9 direction we were going and what we needed to address.</p> <p>10 And that's when we determined to update the forms,</p> <p>11 create the new form, see if -- I just remember meeting</p> <p>12 about it.</p> <p>13 Q. Do you recall any sort of written guidance about</p> <p>14 changes?</p> <p>15 A. I'm sure there must have been. I don't recall at the</p> <p>16 moment.</p> <p>17 Q. There were as a result of the -- of the 2021 -- March</p> <p>18 2021 statute that became effective -- let me say this</p> <p>19 again. As a result of the -- I'm trying to figure out</p> <p>20 how to ask this in a way that's clear.</p> <p>21 Are you aware that there were people who</p> <p>22 were extended to lifetime registration in 2011?</p> <p>23 A. I believe I do recall something being shared with me</p> <p>24 when I first came on about that.</p> <p>25 Q. And there were not -- those individuals remained on</p> <p style="text-align: center;">Page 226</p>
<p>1 lifetime registration after the March 2021 changes to</p> <p>2 the statute, is that correct?</p> <p>3 A. They were what?</p> <p>4 Q. They -- they remained on lifetime registration after</p> <p>5 the March 2021 changes to the statute, correct?</p> <p>6 A. I believe so. I'm not sure.</p> <p>7 Q. You indicated that you couldn't recall what</p> <p>8 adjustments were made to the system, correct?</p> <p>9 A. Right.</p> <p>10 Q. Did the system basically stay the same?</p> <p>11 A. I don't recall.</p> <p>12 Q. Were there letters that were sent out to registrants</p> <p>13 about the new statute?</p> <p>14 A. Yeah. That would be the mass mailings, I believe.</p> <p>15 Q. Okay. Who wrote those letters?</p> <p>16 A. I don't know.</p> <p>17 Q. Who would know?</p> <p>18 A. Maybe legal, I'm going to say legal.</p> <p>19 Q. Were you consulted at all about what information</p> <p>20 should be -- was the SOR unit consulted at all about</p> <p>21 what information should go into those letters?</p> <p>22 A. I know we got to see drafts. But as to us</p> <p>23 specifically making suggestions to changes or anything</p> <p>24 like that, I don't recall.</p> <p>25 Q. You don't recall whether you gave input?</p> <p style="text-align: center;">Page 227</p>	<p>1 A. No. I know we seen the drafts, though. They sent --</p> <p>2 they made changes and they sent them a couple times.</p> <p>3 But I don't know that we had any specific changes. We</p> <p>4 had more questions than changes, but yeah.</p> <p>5 Q. Who received -- to whom were those letters mailed?</p> <p>6 A. To the registrants on the record.</p> <p>7 Q. To all registrants?</p> <p>8 A. Yes.</p> <p>9 Q. Including out of state?</p> <p>10 A. Yes.</p> <p>11 Q. How many letters were returned?</p> <p>12 A. Thousands. And I still have those in -- yeah.</p> <p>13 Q. What happened with the letters that were returned?</p> <p>14 A. I can't remember those -- for a certain time frame we</p> <p>15 checked to see if we had an address or something for</p> <p>16 them. And we tried to resend them out if we could</p> <p>17 find another address for them.</p> <p>18 Q. You tried to send to another address?</p> <p>19 A. Correct.</p> <p>20 Q. Did you document whether or not a letter was returned?</p> <p>21 A. I'm sorry, can you clarify that a little bit.</p> <p>22 Q. Did you -- did you track whose letters were returned?</p> <p>23 A. Are you talking about the ones that we re-sent after</p> <p>24 they were returned and then we re-sent them again, did</p> <p>25 we track them?</p> <p style="text-align: center;">Page 228</p>

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<p>1 Q. I'm trying to understand what tracking you -- can you</p> <p>2 just explain what information was tracked about</p> <p>3 letters that were returned or letters that were</p> <p>4 re-sent?</p> <p>5 A. So we only -- we only track, so to speak, the ones</p> <p>6 that were returned. And there was a certain time</p> <p>7 frame that we had to keep track of them in order to</p> <p>8 find a new address or at least investigate if there</p> <p>9 was another address to send to, like if they had come</p> <p>10 in and updated or something.</p> <p>11 So we only tracked those up to that date.</p> <p>12 And, I'm sorry, I cannot recall the date at this time</p> <p>13 that was. But then after that time period, any</p> <p>14 returned letters we were not required or ordered to</p> <p>15 continue trying to resend to them.</p> <p>16 Q. Did you get questions after the letters went out?</p> <p>17 A. Sure. Yeah.</p> <p>18 Q. What kind of questions did you get?</p> <p>19 A. What do they need to do, do they need to come in --</p> <p>20 the registrants would ask us do I need to come in and</p> <p>21 verify again.</p> <p>22 Q. Did you -- how many -- how many questions did you get?</p> <p>23 A. I don't know.</p> <p>24 Q. Was it phone calls? Letters?</p> <p>25 A. I don't believe we got letters. But we did get phone</p> <p style="text-align: center;">Page 229</p>	<p>1 calls.</p> <p>2 Q. Okay. And the phone call -- the caller didn't</p> <p>3 understand from the letter what they needed to do,</p> <p>4 correct?</p> <p>5 A. They just wanted to know -- the majority of them</p> <p>6 wanted to know if they needed to go in now and verify</p> <p>7 or if they just did it in their normal time. They</p> <p>8 were -- I'm guessing they were just worried and wanted</p> <p>9 to be staying compliant.</p> <p>10 MS. AUKERMAN: How about we take a break.</p> <p>11 I think -- off the record.</p> <p>12 (Off the record 4:12 p.m.)</p> <p>13 (Back on the record at 4:33 p.m.)</p> <p>14 BY MS. AUKERMAN:</p> <p>15 Q. So I'm going to share this, I believe Exhibit 15,</p> <p>16 these are the Interrogatories. And this shows --</p> <p>17 looking at interrogatory three here, which requested</p> <p>18 information about what -- circumstances on which</p> <p>19 non-public information can be released to -- under</p> <p>20 what circumstances non-public registry information can</p> <p>21 be released.</p> <p>22 The answer here, as you can see, was that</p> <p>23 the MSP will release information on the private</p> <p>24 database to other state registries or law enforcement</p> <p>25 agencies for registry or investigative purposes,</p> <p style="text-align: center;">Page 230</p>
<p>1 attorneys through a signed RIO 46 release form,</p> <p>2 certified record request, or any other authorized</p> <p>3 users of MSOR.</p> <p>4 I want to go through each of those. Under</p> <p>5 what circumstances does the MSP release information to</p> <p>6 other state registries?</p> <p>7 A. For the purpose of registration.</p> <p>8 Q. Can you explain that.</p> <p>9 A. So if for some reason they -- not for some reason. If</p> <p>10 the individual has moved to their state and is</p> <p>11 registering in their state and they want conviction</p> <p>12 information, then we will provide that to them because</p> <p>13 they are registering in their state.</p> <p>14 Q. Do you provide information other than conviction</p> <p>15 information?</p> <p>16 A. I don't know. Usually it's pertaining to conviction</p> <p>17 information.</p> <p>18 Q. So like historical address information or whether the</p> <p>19 person is --</p> <p>20 A. Not historical. But I could see us give -- I know</p> <p>21 that we have given them the last verification form to</p> <p>22 show when they last verified with us. But we don't</p> <p>23 typically -- I don't know -- to give historic</p> <p>24 information like that. It's usually about the</p> <p>25 offenses.</p> <p style="text-align: center;">Page 231</p>	<p>1 Q. And then the second thing here is to law enforcement</p> <p>2 for registry or investigative purposes. Can you</p> <p>3 explain what that means?</p> <p>4 A. So that would be similar to out of state, if for some</p> <p>5 reason the law enforcement agencies are asking for</p> <p>6 certain registry information or asking to explain</p> <p>7 something, if it doesn't make sense to them. If they</p> <p>8 see an alert in the record and they want to know more</p> <p>9 about what this means. Or if they are doing an</p> <p>10 investigation of some kind and it pertains to records</p> <p>11 or a potential individual who's on the registry.</p> <p>12 Q. So like if they're investigating like non-compliance</p> <p>13 with registration requirements or something like that</p> <p>14 you would provide that information?</p> <p>15 A. That could be, yeah.</p> <p>16 Q. Those users have access to the registry themselves,</p> <p>17 correct?</p> <p>18 A. The law enforcement agencies, yes.</p> <p>19 Q. So under what circumstances do they contact the SOR</p> <p>20 unit?</p> <p>21 A. If they don't know what something means.</p> <p>22 Q. When does that come up?</p> <p>23 A. So as I said, if it's -- there's an alert message in</p> <p>24 there and they don't understand what it means or if</p> <p>25 there's a note next to something and they don't know</p> <p style="text-align: center;">Page 232</p>

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<p>1 what it means, they may ask us for that.</p> <p>2 If they're -- for the investigative</p> <p>3 purposes, if they're looking for specific information</p> <p>4 to narrow down to a specific individual, they may not</p> <p>5 know how to run the reports because they don't do</p> <p>6 those frequently. So we may get questions about how</p> <p>7 to run the reports.</p> <p>8 Q. Okay. The next one here is the an attorney with a</p> <p>9 signed release form. When does that come up?</p> <p>10 A. If the attorney wants to talk about the client --</p> <p>11 their client, excuse me.</p> <p>12 Q. So what kind of information do attorneys seek?</p> <p>13 A. About the registration.</p> <p>14 Q. Uh-huh.</p> <p>15 A. Anything about the registration. It could be about</p> <p>16 the -- what convictions we have on file. Anything</p> <p>17 that may pertain to their case or be helpful in their</p> <p>18 case.</p> <p>19 Q. So is this about registration violations or whether</p> <p>20 people should register? Like when -- when are</p> <p>21 attorneys contacting you for information from the</p> <p>22 registry?</p> <p>23 A. Anytime they want to talk about the registrant. It</p> <p>24 doesn't even have to be a specific violation issue.</p> <p>25 It could be -- they contact us about all kinds of</p> <p style="text-align: center;">Page 233</p>	<p>1 stuff.</p> <p>2 Q. Like what?</p> <p>3 A. As I said, they contact us about what kind of</p> <p>4 convictions are on their record. They can't see that</p> <p>5 information if the person is non-public. So anything</p> <p>6 about what's on the registry for that individual.</p> <p>7 Q. What else?</p> <p>8 A. I don't know.</p> <p>9 Q. Do they contact you about whether an individual is</p> <p>10 correctly registered?</p> <p>11 A. We've had questions like that.</p> <p>12 Q. And what do you do with those?</p> <p>13 A. As mentioned earlier, we would pass those along to</p> <p>14 legal to review.</p> <p>15 Q. What about certified records request?</p> <p>16 A. Those are just certifying that what is in the record</p> <p>17 is correct.</p> <p>18 Q. When are those used?</p> <p>19 A. Anytime law enforcement is seeking -- well, law</p> <p>20 enforcement action against an individual.</p> <p>21 Q. So this would be for violations of the registry -- of</p> <p>22 SORA?</p> <p>23 A. Yes.</p> <p>24 Q. How many of those does the SOR unit do in a year?</p> <p>25 A. I don't know. I've never checked.</p> <p style="text-align: center;">Page 234</p>
<p>1 Q. What about -- those are used then to prosecute people</p> <p>2 for violations?</p> <p>3 A. I believe so, yes.</p> <p>4 Q. And then any authorized users of MSOR, when does that</p> <p>5 come up?</p> <p>6 A. So again, those would be law enforcement agencies. It</p> <p>7 could be tribal agencies. It could be any -- any of</p> <p>8 the identified users discussed earlier would be</p> <p>9 calling us to ask us to explain something or expand on</p> <p>10 something --</p> <p>11 Q. You --</p> <p>12 A. -- and find somebody.</p> <p>13 Q. If it's an authorized user, you would provide the</p> <p>14 confidential information?</p> <p>15 A. Correct.</p> <p>16 Q. How do you verify that it's an authorized user?</p> <p>17 A. By their user name. I can check their credentials.</p> <p>18 Q. When you say by their user name, this would be an</p> <p>19 electronic user name? Like an email?</p> <p>20 A. Yeah. It's typically their email, but yes, their user</p> <p>21 name. There's three of us that have the ability to do</p> <p>22 that. So we check it.</p> <p>23 Q. What if it's a phone call?</p> <p>24 A. We still check it.</p> <p>25 Q. You would ask the person to identify who they are and</p> <p style="text-align: center;">Page 235</p>	<p>1 they then --</p> <p>2 A. If you're talking about one of these authorized users,</p> <p>3 yes. They're going to have information that nobody</p> <p>4 else would have because it's in our law enforcement</p> <p>5 system.</p> <p>6 Q. Okay.</p> <p>7 MS. AUKERMAN: Let's go to -- this is, I</p> <p>8 believe, Exhibit 17, if we could mark it as that.</p> <p>9 MARKED FOR IDENTIFICATION:</p> <p>10 DEPOSITION EXHIBIT 17</p> <p>11 4:43 p.m.</p> <p>12 BY MS. AUKERMAN:</p> <p>13 Q. This is a series of emails with the SMART office from</p> <p>14 you. I want to scroll down to the end where</p> <p>15 there's -- there seems to be documents that are</p> <p>16 performance measure surveys. Do you recognize those?</p> <p>17 A. Uh-huh.</p> <p>18 Q. Let me make it bigger.</p> <p>19 A. Thank you.</p> <p>20 Q. Can you tell me -- so we marked this as 17. Do you</p> <p>21 recognize these surveys?</p> <p>22 A. Yes.</p> <p>23 Q. Can you tell me how these are used?</p> <p>24 A. I don't know how they use them.</p> <p>25 Q. Can you tell me what your involvement with these</p> <p style="text-align: center;">Page 236</p>

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<p>1 documents is?</p> <p>2 A. I obtain -- I ask the vendor to run reports to obtain</p> <p>3 those details, and I provide them back to the SMART</p> <p>4 office.</p> <p>5 Q. So this is a form that you have to fill out for the</p> <p>6 SMART office?</p> <p>7 A. Yes. This is actually in their DOJ system.</p> <p>8 Q. So this is in like a portal from the -- the SMART</p> <p>9 office?</p> <p>10 A. From the Department of Justice, yes.</p> <p>11 Q. Okay. So just looking through the information that</p> <p>12 the -- the Department of Justice wants, it looks like</p> <p>13 first they want to know about twenty-one advanced day</p> <p>14 notification of international travel, correct?</p> <p>15 A. Uh-huh. Correct.</p> <p>16 Q. And the response here indicates there's no way to</p> <p>17 capture that information?</p> <p>18 A. For 2019, correct.</p> <p>19 Q. Is that information currently captured?</p> <p>20 A. It can be captured currently.</p> <p>21 Q. Do you know how many such notifications there</p> <p>22 currently are?</p> <p>23 A. No.</p> <p>24 Q. Same thing with violations of the twenty-one-day</p> <p>25 advanced notice. What does that mean? A violation of</p> <p style="text-align: center;">Page 237</p>	<p>1 the twenty-one-day advanced notification?</p> <p>2 A. That'll always be zero. We don't capture that</p> <p>3 information.</p> <p>4 Q. What are they asking you to capture?</p> <p>5 A. If anybody was violated for the purpose of not</p> <p>6 completing a twenty-one-day advanced notification.</p> <p>7 Q. So the federal government was trying to figure out</p> <p>8 whether Michigan is violating people for not reporting</p> <p>9 travel twenty-one days in advance?</p> <p>10 A. Correct.</p> <p>11 Q. And then the number of jurisdiction personnel trained</p> <p>12 on SORNA during the compliance period, what is that</p> <p>13 asking for?</p> <p>14 A. That's for training about the system.</p> <p>15 Q. Is that always zero?</p> <p>16 A. No.</p> <p>17 Q. When are -- when have people been trained on SORNA</p> <p>18 compliance?</p> <p>19 A. When have they been trained?</p> <p>20 Q. Uh-huh.</p> <p>21 A. We weren't doing any training in 2019.</p> <p>22 Q. That's the --</p> <p>23 A. Or '21 or -- we started in -- no, we didn't even do --</p> <p>24 we had all the litigation going on through all those</p> <p>25 years. So there was nothing being done during that</p> <p style="text-align: center;">Page 238</p>
<p>1 time. Everything was on hold. So as we trained on</p> <p>2 the new system, we did do some new training when we</p> <p>3 launched our new system after August of '21.</p> <p>4 Q. So we've received a video about the new system. Are</p> <p>5 you familiar with the video that was sent over?</p> <p>6 A. It was a live capture of a session, correct.</p> <p>7 Q. Who did that training?</p> <p>8 A. Previous employee of the SOR unit.</p> <p>9 Q. Who was that?</p> <p>10 A. I believe the one that you have is Talmadge Wrinkle.</p> <p>11 Q. Talmadge?</p> <p>12 A. Talmadge.</p> <p>13 Q. How do you spell that?</p> <p>14 A. T-A-L-M-A-D-G-E.</p> <p>15 Q. Last name?</p> <p>16 A. W-R-I-N-K-L-E.</p> <p>17 Q. And where is Mr. Wrinkle now?</p> <p>18 A. He was promoted to biometrics identification division</p> <p>19 -- biometrics and identification division.</p> <p>20 Q. How long was he in the SOR unit?</p> <p>21 A. I can't say for sure.</p> <p>22 Q. Approximately?</p> <p>23 A. More than five years.</p> <p>24 Q. What was his position when he did that training?</p> <p>25 A. He was an analyst.</p> <p style="text-align: center;">Page 239</p>	<p>1 Q. All right. So moving through the -- what is the</p> <p>2 number of records data electronically accessible, what</p> <p>3 does that refer to?</p> <p>4 A. It refers to data that -- any documents that were</p> <p>5 electronically accessible in a record.</p> <p>6 Q. I'm not understanding what you're saying.</p> <p>7 A. Anything that was uploaded in a record, they can --</p> <p>8 and a user can electronically access it, that's what</p> <p>9 those numbers represent.</p> <p>10 Q. So does this mean forty-four thousand, two hundred</p> <p>11 twenty registrant files?</p> <p>12 A. It looked at all registrant files that were other than</p> <p>13 cancelled or inactive status. It's looking at our</p> <p>14 active records and it's looking for how many documents</p> <p>15 are in those records that were available to users to</p> <p>16 electronically access.</p> <p>17 Q. So is this sort of showing -- are these numbers here,</p> <p>18 forty-four thousand, two hundred twenty, forty-four</p> <p>19 thousand, two hundred fifteen, is that showing the</p> <p>20 number of active registrants over the course --</p> <p>21 A. No.</p> <p>22 Q. -- of first month, second month?</p> <p>23 A. No. It's documents that are electronically accessible</p> <p>24 during that first month.</p> <p>25 Q. When you say documents, what do you mean by that?</p> <p style="text-align: center;">Page 240</p>

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<p>1 A. Anything that was uploaded into the record.</p> <p>2 Q. So these are like individual verification forms or</p> <p>3 those types of documents?</p> <p>4 A. Yes. It could be.</p> <p>5 Q. When it says the -- number ten -- number of updated</p> <p>6 sex offender registration records electronically</p> <p>7 transmitted through the SORNA exchange portal, what is</p> <p>8 that referring to?</p> <p>9 A. That's referring to those tracking of registrants</p> <p>10 going in and out of state.</p> <p>11 Q. So during the first month, there were twenty-nine --</p> <p>12 of this reporting period -- there were twenty-nine</p> <p>13 individuals who either moved in or moved out?</p> <p>14 A. That's what it appears to say, yes.</p> <p>15 Q. It looks like in a half year period you're looking at</p> <p>16 a hundred -- roughly a hundred fifty, correct, people</p> <p>17 moving in or out? And that includes both those going</p> <p>18 out and going in, correct?</p> <p>19 A. Correct.</p> <p>20 Q. Number sixteen, number of records captured and/or</p> <p>21 automated during the reporting period, what does that</p> <p>22 refer to?</p> <p>23 A. Those are activated records.</p> <p>24 Q. What does that mean?</p> <p>25 A. A new registrant.</p> <p style="text-align: center;">Page 241</p>	<p>1 Q. So there's -- there's not twenty-two thousand new</p> <p>2 registrants, correct?</p> <p>3 A. Captured and/or automated during the reporting period,</p> <p>4 so I would say yes, those are ones that were</p> <p>5 activated.</p> <p>6 Q. So there's twenty-two thousand new registrants</p> <p>7 activated in the reporting period?</p> <p>8 A. That were -- they may not be new, but they've been</p> <p>9 activated for whatever reason. So they could be new.</p> <p>10 They could be reactivated. They could have left and</p> <p>11 came back. There could have been something that</p> <p>12 happened that they're now activated.</p> <p>13 Q. Then there's the number of information exchanges</p> <p>14 between state and tribal territories sex offender</p> <p>15 registration agencies and other SORNA jurisdictions</p> <p>16 through the SORNA exchange portal. What is that</p> <p>17 referring to?</p> <p>18 A. It's referring to all those different agencies and us</p> <p>19 giving them information.</p> <p>20 Q. So there's eleven thousand, seven hundred and</p> <p>21 eighty-five --</p> <p>22 A. Exchanges.</p> <p>23 Q. -- exchanges of some kind?</p> <p>24 A. Uh-huh. Correct.</p> <p>25 Q. It looks like there's roughly a hundred and fifty</p> <p style="text-align: center;">Page 242</p>
<p>1 people moving in and out, but almost twelve thousand</p> <p>2 communications, is that -- am I understanding that</p> <p>3 correctly?</p> <p>4 A. Correct.</p> <p>5 Q. Are those communications about those a hundred and</p> <p>6 fifty people?</p> <p>7 A. I can't say for sure.</p> <p>8 Q. What else would they be about?</p> <p>9 A. I can't say for sure.</p> <p>10 Q. Okay.</p> <p>11 MS. AUKERMAN: I'm going to share this. I</p> <p>12 believe this is 19. It's 18.</p> <p>13 MARKED FOR IDENTIFICATION:</p> <p>14 DEPOSITION EXHIBIT 18</p> <p>15 4:54 p.m.</p> <p>16 BY MS. AUKERMAN:</p> <p>17 Q. Do you recognize this letter?</p> <p>18 A. Yes.</p> <p>19 Q. Can you tell me what this is?</p> <p>20 A. It means that they are -- we were advising an</p> <p>21 individual they are no longer required to register.</p> <p>22 Q. When are these letters sent out?</p> <p>23 A. When we learn that someone is no longer required to</p> <p>24 register.</p> <p>25 Q. So it -- this letter says effective July 1, 2011,</p> <p style="text-align: center;">Page 243</p>	<p>1 you're no longer required to register for the offense</p> <p>2 for which you're registered, correct?</p> <p>3 A. Correct.</p> <p>4 Q. And this letter is dated December 12th, 2022, correct?</p> <p>5 A. Correct. I see that.</p> <p>6 Q. Okay. So it looks like it took -- was -- this person</p> <p>7 was on the registry for more than a decade, even</p> <p>8 though their offense was no longer -- the person was</p> <p>9 no longer required to register for that offense, is</p> <p>10 that correct?</p> <p>11 A. That is a template. So it just prints with the most</p> <p>12 current date. So it's possible. I can't confirm that</p> <p>13 that was sent to anybody.</p> <p>14 Q. Okay. Do you know --</p> <p>15 A. When we generate that, it puts a date on it.</p> <p>16 Q. Okay. It mentions the department has performed an</p> <p>17 audit of your sex offender registration, is the first</p> <p>18 sentence of the letter, correct?</p> <p>19 A. Correct.</p> <p>20 Q. So we talked about audits earlier. Are -- are the</p> <p>21 audits used to determine if people are on the registry</p> <p>22 who shouldn't be?</p> <p>23 A. In the term that you use audit, this is not an audit.</p> <p>24 It makes me feel like we shouldn't use the word audit</p> <p>25 as you have referenced and discussed today. This is</p> <p style="text-align: center;">Page 244</p>

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<p>1 just us finding out that -- maybe it was brought to</p> <p>2 our attention by someone else or by the registrant or</p> <p>3 by -- for what -- we were making corrections in the</p> <p>4 record and all of a sudden we seen it -- brought</p> <p>5 attention to something else.</p> <p>6 And so, then we look at these records and</p> <p>7 we find there's something we need to rectify. And</p> <p>8 then they were saying oh yeah, we did an audit of the</p> <p>9 record. We reviewed it. We looked at it. And we</p> <p>10 determined this is not correct, so we're fixing it for</p> <p>11 you now.</p> <p>12 Q. So these letters were being sent out while you were</p> <p>13 the unit manager, correct?</p> <p>14 A. This may have, yes.</p> <p>15 Q. So that would have been between '21 -- 2021 and 2022,</p> <p>16 correct?</p> <p>17 A. It may have, yes.</p> <p>18 MR. JAMISON: I'm going to object. I mean,</p> <p>19 the document speaks for itself. It has Rick Snyder</p> <p>20 and Colonel Etue at the top of the letter.</p> <p>21 MS. AUKERMAN: It has Narcisa at the</p> <p>22 bottom. You can object -- your objection is noted.</p> <p>23 BY MS. AUKERMAN:</p> <p>24 Q. So the -- these letters were being sent out under your</p> <p>25 signature as unit manager, correct?</p> <p style="text-align: center;">Page 245</p>	<p>1 A. They may have, yes.</p> <p>2 Q. And they indicate that a person -- a person receiving</p> <p>3 this letter would have been on the registry from July</p> <p>4 1, 2011, until receiving this letter for an offense</p> <p>5 that doesn't require registration?</p> <p>6 MR. JAMISON: Objection, misstates her</p> <p>7 testimony.</p> <p>8 BY MS. AUKERMAN:</p> <p>9 Q. You can answer. It's a question.</p> <p>10 A. It may have, yes.</p> <p>11 Q. Do you know how many of these letters were sent?</p> <p>12 A. I do not.</p> <p>13 Q. Is there a way to find that out?</p> <p>14 A. No. I -- not that I'm aware of, no.</p> <p>15 Q. Why would someone be on the registry for a decade for</p> <p>16 an offense that doesn't require registration?</p> <p>17 A. Again, I don't know if this was even used. This is a</p> <p>18 template.</p> <p>19 Q. Okay. Why would a person -- why would -- after July</p> <p>20 1, 2011, do you know whether there were quality</p> <p>21 assurance measures taken to ensure that individuals</p> <p>22 who were no longer required to register were removed</p> <p>23 from the registry?</p> <p>24 A. I don't know. I wasn't here during that time.</p> <p>25 Q. Do you know after the March 2021 changes whether</p> <p style="text-align: center;">Page 246</p>
<p>1 quality assurance measures were taken to ensure that</p> <p>2 anyone who is no longer required to register was</p> <p>3 removed from the registry?</p> <p>4 A. I don't know.</p> <p>5 Q. To your knowledge, there were no quality assurance</p> <p>6 measures taken?</p> <p>7 A. We ran our reports. We removed people. It's possible</p> <p>8 -- it's always possible we could have missed somebody.</p> <p>9 Q. There was not an effort to audit to ensure that</p> <p>10 everybody who should be removed was removed?</p> <p>11 A. We ran the report, again, to make sure nobody came up.</p> <p>12 Q. Okay. I want to talk -- we don't have much time left.</p> <p>13 But I want to talk just briefly about the out-of-state</p> <p>14 offenses because I'm still confused by those.</p> <p>15 Let's look at an example here. Maybe</p> <p>16 that'll help me understand this better. Okay.</p> <p>17 MS. AUKERMAN: This is 19. We'll mark this</p> <p>18 Exhibit 19.</p> <p>19 MARKED FOR IDENTIFICATION:</p> <p>20 DEPOSITION EXHIBIT 19</p> <p>21 5:01 p.m.</p> <p>22 BY MS. AUKERMAN:</p> <p>23 Q. This appears to be communications about whether or not</p> <p>24 an individual from Florida should register, is that</p> <p>25 correct?</p> <p style="text-align: center;">Page 247</p>	<p>1 A. It appears to be so, yes.</p> <p>2 Q. It looks like initially as a request from the</p> <p>3 Department of Corrections about whether the person has</p> <p>4 to register, correct?</p> <p>5 A. It looks like the possible transfer.</p> <p>6 Q. Right. And then there's the Florida statute is</p> <p>7 provided, correct?</p> <p>8 A. I see that there, yes.</p> <p>9 Q. And this statute doesn't say anything in particular</p> <p>10 about a sexual offense, correct?</p> <p>11 A. Not just in that description right there, no.</p> <p>12 Q. And it says here the individual's not required to</p> <p>13 register in Florida, correct?</p> <p>14 A. That's what it says there, correct.</p> <p>15 Q. So back on that chart that we looked at a while ago,</p> <p>16 if the person has to register it would be because the</p> <p>17 offense is considered similar to a Michigan offense,</p> <p>18 right?</p> <p>19 A. So that chart is looking at if we've had those</p> <p>20 offenses designated. So I would have to look to see</p> <p>21 this offense, if it's on that crime code table. And</p> <p>22 then determine if it's -- that would be if it was</p> <p>23 similar. But this I can't speak to. I wasn't even</p> <p>24 the lead on this communication. I'm just cc'd on it.</p> <p>25 Q. Okay. So but the person isn't required to register in</p> <p style="text-align: center;">Page 248</p>

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<p>1 Florida, so that isn't the basis for registration in 2 Michigan, correct? 3 A. Based on this communication, it says he does not have 4 to register in Florida, correct. 5 Q. So then it looks like Ms. Jegla here is providing 6 sections of a police report, correct? 7 A. I don't know. 8 Q. Okay. I'll give you a moment to look at it. 9 A. I see narrative, I don't know that that came from a 10 police report. 11 Q. It says here, in this case the police report doesn't 12 say anything about communication devices. And then it 13 has a colon. 14 A. I see that now. 15 Q. Okay. So then there's a description of the 16 relationship here -- or of the conduct I should say, 17 correct? 18 A. What was your question, I'm sorry? 19 Q. We have a police report that describes the conduct 20 involved, correct? 21 A. I see that, yes. 22 Q. And then we have -- and then we have someone from MSP 23 legal saying that this offense is comparable to a 24 conviction for MCL 750.145b 1(a)? 25 A. That's what it reads there, yes.</p> <p style="text-align: center;">Page 249</p>	<p>1 MS. AUKERMAN: I'm going to switch screens. 2 We can mark this as 20. 3 MARKED FOR IDENTIFICATION: 4 DEPOSITION EXHIBIT 20 5 5:06 p.m. 6 BY MS. AUKERMAN: 7 Q. I'm showing you the statute for that offense. Do you 8 see that? 9 A. Okay. I see that. 10 Q. Do you see that that refers to various sexual 11 offenses? 12 A. I see that. 13 Q. Okay. So this is -- the Michigan offense requires a 14 sexual component, correct? 15 A. Are you asking me to speak to his interpretation of 16 it? 17 Q. I'm asking you whether this -- this statute requires a 18 sexual -- has a sexual component to it, correct? 19 A. It says commit conduct proscribed under, and it gives 20 various citings. I don't know what all those are. 21 Q. You may not be familiar with those. Those are like 22 CSC 1, CSC 2, CSC 3, those kinds of things. 23 A. Okay. 24 Q. Okay. So we see here that the MSP legal unit compares 25 these two offenses and finds them comparable, correct?</p> <p style="text-align: center;">Page 250</p>
<p>1 A. They refer to another analysis. 2 Q. We have -- basically the Michigan State -- the 3 Michigan legal unit is comparing a Florida offense 4 that doesn't have a sexual component to a Michigan 5 offense that does have a sexual component, correct? 6 A. If that's what that says. 7 Q. Okay. And then it looks like that there's also a 8 discussion here about whether or not this offense is 9 similar to the Holmes Youthful Trainee Act, correct? 10 A. I think Sharon is bringing in another scenario on top 11 of the two. 12 Q. Okay. And then Mr. -- the MSP legal unit says that 13 the Florida withholding of adjudication isn't similar 14 to the youthful trainee. So it -- this should be 15 treated as a conviction, correct? 16 A. That's what it states there, yes. 17 Q. Is it fair to say that it's a pretty complicated 18 process to figure out whether this is a similar 19 offense? 20 MR. JAMISON: Objection, vague. 21 BY MS. AUKERMAN: 22 Q. You can answer. 23 A. I don't know. I'm not an attorney. I don't -- he may 24 be better read than I am on the subject matter in 25 doing those comparisons. I can't speak for him.</p> <p style="text-align: center;">Page 251</p>	<p>1 Q. There's a lot of back -- there's -- there are a number 2 of emails back and forth here to determine whether or 3 not this is a comparable Michigan offense, correct? 4 A. Well, there's a lot of -- she brings up more than one 5 scenario. It starts with one. It incorporates 6 another and then incorporates a third. So if there's 7 a lot of back and forth, it's because she's bringing 8 on other situations instead of sticking with one item. 9 That's how I read this. 10 MS. AUKERMAN: Okay. I think -- I don't 11 know if Mr. Jamison has questions. If you do, I'll 12 reserve the rest of my time to respond to any 13 questions that you have. 14 MR. JAMISON: Sure. 15 EXAMINATION 16 BY MR. JAMISON: 17 Q. Are you -- do you have any personal knowledge -- I 18 guess to back up a minute. 19 There was a lot of discussion about sweeps 20 and there was some several documents that were shown 21 to you about sweeps and grant funding for sweeps. Are 22 you aware of any sweeps that MSP has conducted? And I 23 guess to clarify, a sweep is where a group of MSP 24 members go out and they conduct some sort of residence 25 check on a registrant to see if they live there or to</p> <p style="text-align: center;">Page 252</p>

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<p>1 see if they work at a certain location. 2 So are you aware of any sweeps that MSP has 3 conducted in 2020? 4 A. No. 5 Q. Are you aware of any sweeps that they conducted in 6 2021? 7 A. No. 8 Q. Are you aware of any sweeps they conducted in 2022? 9 A. No. 10 Q. What about in 2023? 11 A. No. 12 Q. Do you know if they currently have any staff allocated 13 to conducting those sorts of sweeps? 14 A. I don't believe so. I don't know. 15 Q. Okay. Can you tell me approximately how many hours 16 you've spent searching for records to respond to 17 discovery requests in this case? 18 A. Since the beginning? 19 Q. Yeah. Or if you have, you know, for any -- I know 20 there's been several rounds of requests. I think the 21 more recent time period was from the end of December 22 to current. Do you have any idea how many hours 23 you've spent? 24 A. Approximately seventy-some hours. 25 MR. JAMISON: Okay. That's all I have.</p> <p style="text-align: center;">Page 253</p>	<p>1 MS. AUKERMAN: I just had one followup 2 question. 3 RE-EXAMINATION 4 BY MS. AUKERMAN: 5 Q. You testified earlier about grant funding for sweeps, 6 is that correct? 7 A. Uh-huh. 8 Q. What was that -- has that money been used for? 9 A. What had the money been used for? 10 Q. Well, there was -- we talked about grant applications 11 for troopers for sweeps, correct? 12 A. Correct. 13 Q. And you indicated that that grant was received, 14 correct? 15 A. Correct. 16 Q. What was done with the money that was allocated for 17 troopers and sweeps? 18 A. I'd have to go back and look. Typically we do a grant 19 modification. 20 Q. Do you know if there was a grant modification? 21 A. For what time period? 22 Q. For the grant that allocated money for troopers and 23 sweeps. 24 A. We probably do a grant modification for every year. I 25 don't know specifically. I'd -- I don't know which</p> <p style="text-align: center;">Page 254</p>
<p>1 one specifically you're referring to and I'd have to 2 look. 3 Q. So your -- we previously discussed a grant that had 4 money for troopers and sweeps, correct? 5 A. Correct. 2019. 6 Q. 2019. Do you know if there was a grant modification 7 for the money that was allocated to troopers and 8 sweeps? 9 A. I don't know. 10 Q. And you're not involved with enforcement, correct? 11 A. That is correct. 12 MS. AUKERMAN: Okay. Thank you for your 13 time. I know it's been a long day for all of us. And 14 I know that while you were at the unit, we took a lot 15 of your time, took a lot of your time today. And we 16 appreciate that you were here with us today. I hope 17 you get some rest. 18 (The deposition was concluded at 5:14 p.m. 19 Signature of the witness was not requested by counsel 20 for the respective parties hereto.) 21 22 23 24 25</p> <p style="text-align: center;">Page 255</p>	<p>1 CERTIFICATE 2 3 STATE OF MICHIGAN 4 COUNTY OF MACOMB 5 I, Heather DeMar, RPR, CSR, and Notary 6 Public in and for the above county and state, do 7 hereby certify that this deposition was taken before 8 me at the time and place hereinbefore set forth via 9 videoconference; that the witness was by me first duly 10 sworn to testify to the truth; that this is a true, 11 full and correct transcript of my stenographic notes 12 so taken; and that I am not related, nor of counsel to 13 either party, nor interested in the event of this 14 cause. I agree that I nor any person, attorney, 15 paralegal, or expert witness may make, copy, and/or 16 distribute to others for future sales, monetary gain, 17 or any other purpose, a transcript and/or video 18 without paying Tri-County Court Reporters the ordinary 19 and customary charges for any and all additional 20 transcripts. 21 22 Heather DeMar, RPR, CSR - 8951 23 Notary Public. 24 Macomb County, Michigan 25 My Commission Expires: 8/31/2023</p> <p style="text-align: center;">Page 256</p>

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From: Morris, Narcisa (MSP)
Sent: Friday, July 15, 2022 1:13 PM
To: Arnold, Kashan (OJP)
Subject: Question: Michigan



Hi Kashan,

Hope all is well. I have a question that I think I know the answer too, but I do need to confirm. In our grants we have sweep initiatives scheduled and they have always been large groups. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Let me know your thoughts. Thank you.

Best Regards,

Narcisa Morris
Unit Manager Sex Offender Registry
Criminal Justice Information Center
Michigan State Police
P.O. Box 30634
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